



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Wednesday, 27 April 2005.

Leaders' Questions	621
Ceisteanna—Questions	
Taoiseach	632
Request to move Adjournment of Dáil under Standing Order 31	646
Order of Business	647
Defence (Amendment) Bill 2005: First Stage	653
Sea Pollution (Hazardous Substances) (Compensation) Bill 2000 changed from Sea Pollution (Hazardous and Noxious Substances) (Civil Liability and Compensation) Bill 2000:	
Order for Report Stage	654
Report and Final Stages	654
Electoral (Amendment) Bill 2005:	
Order for Second Stage	668
Second Stage	668
Ceisteanna—Questions (<i>resumed</i>)	
Minister for Finance	
Priority Questions	675
Other Questions	689
Adjournment Debate Matters	700
Electoral (Amendment) Bill 2005: Second Stage (<i>resumed</i>)	701
Private Members' Business	
Class Sizes: Motion (<i>resumed</i>)	748
Adjournment Debate	
Health Services	779
Care of the Elderly	782
Questions: Written Answers	789

DÁIL ÉIREANN

*Dé Céadaoin, 27 Aibreán 2005.
Wednesday, 27 April 2005.*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

*Paidir.
Prayer.*

Leaders' Questions.

Mr. Kenny: This is the last opportunity we will have to raise the matter of carnage on the roads with the Taoiseach before the May bank holiday weekend. This year, to date, unfortunately and tragically, 118 people have been killed on our roads. This figure, unfortunately, reflects an increase on a month to month basis as against 2004. I have occasion to travel extensively around the country and recently I have noticed a huge increase in motor cyclists travelling at grossly excessive speeds on some of our roads, well over 100 mph. It is impossible for some motorists to see them coming behind.

It is obvious that in order to change the culture of dangerous driving, with particular reference to speeding, that the law of the land needs to be implemented. Does the Taoiseach regard it as sufficient that the traffic corps has been increased by only 33 gardaí this year, barely one for every county? Is it good enough that after two and a half years only four out of a possible 70 offences are covered by penalty points? Is it good enough that the special high level group on road safety which met in a blaze of publicity after an horrific week last September has not met for six months? Will he explain to the House and the nation the current status of speed cameras?

The Taoiseach: I welcome the opportunity to say a few words on this issue before the long weekend, the first summer weekend, and acknowledge the work the Garda is doing in this area. The traffic corps has been extended. During the past six or seven years an enormous amount of effort has been put into road transport and road safety issues. Every year we have reviewed that work and have tried to improve on it. While the number of deaths over a few bad weekends are high, road safety continues to be a huge priority of the Government. It is not just the traffic corps that is involved in the efforts to try to prevent accidents and monitor speed limits. Speed cameras have been extended throughout the country but there are not enough of them. The Minister for Justice, Equality and Law

Reform has asked not only the traffic corps section the Garda in general to be more vigilant on the motorways. While the numbers designated to do this work are small the reason the Minister sought 2,000 extra gardaí in his plan last year was to be able to substantially increase the number in the traffic corps.

Work has continued on the penalty points initiative and the associated breaches. The genuine effort of everybody involved to extend the penalty points system has worked extremely well. Deputy Kenny made the key point that speed on roads is the problem. Our roads have improved, our cars have improved, the number of Garda involved in this initiative has increased but people are engaged in speeding. One cannot have a Garda on every road, motorway and back road to monitor people's driving habits.

Mr. Allen: Only on three-lane highways.

The Taoiseach: We have to appeal to the good sense of drivers. In fairness when one looks back over the figures, taking the enormous increase in traffic, including trucks because of our growing economy, into account, the accident figures proportionately are not out of line but one death is a death too many.

Mr. Kenny: The content of much of the Taoiseach's reply is somewhat akin to what he said to Deputy Gay Mitchell in one of his more famous outbursts some years ago.

Having missed one flight from Dublin Airport last week and having had to cancel another due to chaos at the airport and in travelling approximately 1,000 km last week I came across one Garda check point. I wish to deal with the Taoiseach's comment in regard to speed cameras being extended throughout the country. It is two years since Deputy Naughten was informed that there were only three speed cameras in the whole of Ireland, five years after the Government promised to have them installed. Two years ago, these three speed cameras were being rotated around 20 speed camera boxes. In reply to a recent question to Deputy Olivia Mitchell, the Minister for Justice, Equality and Law Reform admitted that nine of those 20 speed camera boxes are out of action. He went on to say that it takes between two and eight months to repair a speed camera box. Given what the Minister for Finance said yesterday that €100 billion would be spent on infrastructure over the next 20 years, North and South, it is incredible that it takes between two and eight months to repair a wooden box on top of a pole. Seven years on there are three speed cameras but only half the number of boxes that are operable and it takes eight months to repair one of those. It is no wonder that making appeals to the mentality of drivers is in vain given the increasing speed on many of our roads. If the Taoiseach has occasion to travel the roads I invite him to look at what is happening in regard to motor cyclists in particular. It is impossible to see

[Mr. Kenny.]

them coming from behind given that they are travelling at speeds of well over 100 mph. It is a shame the Government is not in a position to apply speed camera boxes and speed cameras to implement the law of the land that he promised would be implemented seven years ago.

The Taoiseach: I would like to see the powers to deal with road traffic issues fully implemented, particularly at long weekends when road use is far higher than on average weekends. I would like to see a concerted campaign by the Garda Síochána to deal with these issues. I did not travel 1,000 miles last week but I am aware Garda road blocks are visible on routes as on a recent journey of not more than 60 miles from Dublin I encountered three Garda road blocks. The statistics show that 14% of road deaths and injuries are caused by road conditions while 86% are as a result of driver behaviour. The Government has expended significant moneys on the improvement of road conditions and facilities for drivers but some people do not take adequate care. I accept that some people drive at 100 mph and some do not observe any of the road traffic laws. All the Garda Síochána can do is strictly enforce the law. Penalties can be imposed on those who are found breaking the law. Speed cameras are in operation. When more than €1 billion is being expended on roads I cannot explain why it takes nine months to repair a speed camera, if this is the case. At a time when annual expenditure on roads is €2 billion I do not understand why a speed camera cannot be repaired. I hope I am not being held responsible for that—

Mr. Allen: The Taoiseach is being held responsible.

An Ceann Comhairle: The Taoiseach's time is concluded. Please allow the Taoiseach to conclude.

The Taoiseach: I will do a FÁS course to find out how to fix speed cameras.

Mr. Allen: This is a serious subject. The Taoiseach should not be flippant.

Ms O. Mitchell: People die.

The Taoiseach: I accept Deputy Kenny's point that speed cameras should not remain unrepaired for more than a few hours. Resources being devoted to improvements in infrastructure and to issues of road safety are designed to make the roads safer. However, car and truck traffic volumes are creating—

Mr. Allen: The Taoiseach is whistling against the wind.

The Taoiseach: Let us hope not. The statistics show that 86% of accidents are caused by people

not taking care. I ask people to drive with safety and with respect for others.

Mr. Allen: On a wing and a prayer.

Mr. Rabbitte: I make no apology for returning to the crisis in accident and emergency units, especially given the inadequacy of the Taoiseach's response yesterday. Surely the Taoiseach appreciates that for an elderly woman retained five days and five nights on a trolley in the Mater Hospital it is very little comfort when he rhymes off to the House his version of statistics about hospitals where he claims only a small number of patients are on trolleys. He stated that in the case of Monaghan General Hospital, nobody was retained on a trolley until Deputy Ó Caoláin informed him there is no accident and emergency department in that hospital.

Does the Taoiseach think the nurses who are members of the INO, SIPTU and other trade unions, are out protesting during their lunch hour behind picket boards because there is no problem? Does he accept that the crisis is acute in hospitals such as Tallaght, Beaumont, the Mater, St. Vincent's, Wexford, Galway and others? Does he agree that in a country where so much money has been raised in taxes, elderly people who have paid their taxes all their lives are entitled to be accommodated in hospital care with a minimum of dignity and this is being denied them? Fianna Fáil backbenchers have already started to mutter behind her back about the Tánaiste's competence. This is fine coming from a party whose super-clean hero has escaped leaving a legacy of €2 billion behind him and more health strategies and reports than the fiction department of Eason's.

An Ceann Comhairle: The Deputy's two minutes is concluded.

Mr. Rabbitte: What will the Taoiseach do in response to the INO request for his intervention, given what it calls a national emergency in accident and emergency departments in several hospitals up and down the country, details of which I am sure the Taoiseach has received, as I have, in my e-mail traffic since I raised this matter yesterday?

The Taoiseach: Since this matter was raised yesterday, approximately 3,300 people have been through the accident and emergency facilities. Thankfully, 90% of those people did not require trolleys but unfortunately 10% did. I regret that some people are spending several days on trolleys. It shows the system is not as perfect as we would like as we would like it to be 100%. I outlined to the House yesterday the hospitals where this problem is particularly acute and where long delays occur. I also pointed out that facilities have been improved in many areas. New facilities in Cork University Hospital opened last week which are two and a half times the size of the existing

accident and emergency department. I opened facilities at Roscommon County Hospital earlier this year and facilities have been opened at Naas General Hospital. The new facilities at James Connolly Memorial Hospital have been described as one of the best accident and emergency departments in Europe.

Ms Burton: There is a protest there at the moment.

An Ceann Comhairle: I ask Deputy Burton to allow the Taoiseach without interruption.

Mr. C. Lenihan: The Labour Party provided the pickets.

Ms Burton: We provided money to build it. The Government has failed.

An Ceann Comhairle: This is Leaders' Questions. The Taoiseach is entitled to the same courtesy for his reply as Deputy Rabbitte was afforded.

The Taoiseach: Facilities at St. James's Hospital and at St. Vincent's Hospital will open shortly. The Mater Hospital is an acute hospital and will commence building a new hospital shortly even though it has taken the hospital some years to commence building. The Government has provided the resources.

Mr. Stagg: Naas hospital is open with no staff.

The Taoiseach: I informed the House yesterday of all the improvement initiatives being undertaken this year by the Government rather than waiting for the longer term.

Mr. Broughan: There are no results now.

An Ceann Comhairle: Allow the Taoiseach without interruption, please.

The Taoiseach: Home care packages are being provided to support an additional 500 older people and which will free up beds. Step-down care beds are being purchased in the private sector for those in acute hospitals who are suitable for such care which will make beds available. Last December the Minister for Finance announced funding of €70 million. It is to be hoped the hospitals will get on with those projects because they were all announced last December.

Mr. Stagg: The home help service has been cut in half and there are no disabled person's grants.

The Taoiseach: In reply to Deputy Howlin's question yesterday the capital programme will be finalised in the next few weeks.

Mr. Broughan: It is very late because the session is nearly over.

The Taoiseach: The Government is endeavouring to deal with the acute problems in hospitals as speedily as possible. In answer to Deputy Rabbitte's question I do not believe the nurses are protesting other than that they believe there is a problem. Approximately 1,000 nurses work in accident and emergency departments and they deal with the daily problems. The Government needs their goodwill in order to extend rosters and examine the situation during the busy periods. Consultant and others must be encouraged to work more. People do not get sick at particular hours but rather at all hours. These issues must be examined.

Mr. Broughan: If the Taoiseach knows this, why does he not take action?

The Taoiseach: These are industrial relations issues and hopefully the nurses and others will help us. Work cannot stop at 6 p.m. because people do not stop being sick after that time.

Mr. Broughan: I wonder who is in charge.

Mr. Allen: Blame the nurses.

Mr. Rabbitte: I do not think the Taoiseach appreciates the number of people who are suffering in distress and being treated in very undignified circumstances and the number of staff working in impossible circumstances. No category of staff other than frontline nurses and doctors would give the type of commitment that is being given in the conditions in some of these hospitals.

The Taoiseach talks about initiatives. For example, the former Minister for Health and Children, Deputy Martin, announced €170 million for the provision of 800 community beds in July 2002. However, not one of them was ever provided and the *Irish Examiner*, the Minister's local newspaper, confirms they are cancelled today. The Taoiseach has also spoken about the home care initiative. I will read the relevant paragraph from a reply to an applicant for the scheme:

I wish to inform you that the allocated funding for this scheme is now fully committed and no additional payments can be made at this time. Accordingly, you have now been placed on a waiting list for consideration.

This is typical of the answer applicants receive to inquiries about the so-called initiative announced by the Tánaiste.

Mr. Connaughton: Applicants are being asked to wait 12 more months.

Mr. Rabbitte: Where is the capital programme and where are the step-down beds? Where is the ten-point plan announced by the Tánaiste in terms of its efficacy in these circumstances? The Government parties have been in office for eight years but people are still expected to work in circumstances akin to Third World hospital care facilities. People in pain are kept overnight on

[Mr. Rabbitte.]
trolleys in many hospitals while the Taoiseach continues to rhyme off statistics about what the Government has done in an economy that for more than 12 years has been expanding at a rate unprecedented in the history of this State.

Mr. Connolly: On a point of order, I wish to clarify for the record that we are treating accident and emergency patients in Monaghan Hospital, albeit in a treatment room. Some 11,000 patients are treated annually. This morning we had to cancel operations for want of beds in the hospital.

An Ceann Comhairle: There can be no point of order on Leaders' Questions except by the leader asking the question. I ask Deputy Connolly to resume his seat or he must leave the House.

The Taoiseach: We can talk about many issues but I am concerned with areas in which practical help can be given. I will not leave one point go.

Mr. Broughan: The Taoiseach must bring the situation to an end.

The Taoiseach: From the time this issue was raised yesterday, approximately 3,300 people have used our accident and emergency facilities. Some 90% of them did not have to be accommodated on trolleys.

Mr. Broughan: It is senior citizens who are being left on trolleys.

An Ceann Comhairle: Deputy Broughan should allow the Taoiseach to continue without interruption.

The Taoiseach: It is regrettable that it was necessary to accommodate 10% of accident and emergency patients on trolleys.

Mr. Broughan: These people have worked their entire lives. Some of them are the Taoiseach's own constituents.

An Ceann Comhairle: Deputy Broughan will be removed from the House if he continues to interrupt the Taoiseach.

The Taoiseach: This is why we are investing excellent resources to try and improve the situation. In many hospitals, including Cork University Hospital, Roscommon Hospital, Naas General Hospital, James Connolly Memorial Hospital, St. Vincent's Hospital and the new building in the Mater Hospital, we are constantly trying to improve facilities.

Ms Burton: Has the Taoiseach been in the Mater Hospital lately?

The Taoiseach: The home care package is there to suit the needs of patients in order to facilitate their move from hospital care.

Mr. Broughan: We need a hands-on approach.

The Taoiseach: In total, this initiative will provide support for an additional 500 older people this year. People are already being moved from acute beds into top-class nursing homes, private facilities in most cases. The Government will continue to work in this regard. We are buying beds from the private sector for step-down care. Provision is being made now rather than next month or the month after for hundreds of patients who no longer need to stay in hospital but require some intermediate care for up to six weeks before going home. This process is well under way.

We regret that there are people still on trolleys but we are actively working to improve facilities and the standard of care available.

Mr. Broughan: What will the Taoiseach do to improve the situation this evening?

The Taoiseach: I said yesterday that proposals are being finalised in regard to improvements in acute medical units for non-surgical patients in Tallaght, St. Vincent's and Beaumont Hospitals. Hopefully the hospital management teams will work to best use the money given to them by the Minister for Finance for the initiatives announced by the Tánaiste.

We have also tried to improve access to GP services, an area of considerable importance. Unfortunately, no GP services are available after 6 p.m. in some parts of Dublin city. This has begun to change, however, and we are providing assistance in this regard.

Ms Burton: Patients must pay €65 for an evening call from a doctor in central and west Dublin.

An Ceann Comhairle: The Taoiseach should be allowed to conclude without interruption.

The Taoiseach: The package we have put forward, including the provision of MRI facilities for diagnostic tests and the screening facilities in Beaumont Hospital, represent practical actions. We are trying to take action that will help the situation rather than holding a protest.

Mr. Ring: We should put some of the Government spin doctors on night duty in hospitals. There is no shortage of such persons.

Mr. C. Lenihan: Some Deputies seem to be able to spin themselves off the front bench.

Mr. Ring: We should put the spin doctors on duty after 6 p.m.

An Ceann Comhairle: I have called Deputy Joe Higgins and he should be allowed to speak without interruption. Deputy Ring is not the leader of the Technical Group.

Mr. J. Higgins: Does the Taoiseach feel ashamed or in any way humiliated that a multinational construction company, Gama Construction, believes it can, in 2005 — in the Ireland which the Taoiseach claims to lead — set out to starve its Turkish workers into abandoning their fight for the wages it stole from them with the same arrogance and cruelty that William Martin Murphy and his cohorts treated the Dublin working class during the infamous lockout of 1913? The hidden wages which we fished out of a bank in Amsterdam are being transferred to family accounts but there is a long way to go. However, this is only a minority portion of what the workers are owed. Outstanding is the massive overtime for the 84-hour weeks which they routinely worked. Also outstanding is the issue of those fixed-wage employees who worked the same hours for an incredible €800 per month and for whom there are no wages in Amsterdam. Gama Construction criminally gave no wage slips and criminally shredded timesheets. Will the Taoiseach ask the Minister for Enterprise, Trade and Employment to employ immediately a cohort of accountants with proper authority to process this massive overtime bill and to serve it within days?

As Gama callously cuts off the food to its workers on stoppage and has threatened to evict them, will the Taoiseach demand and ensure this does not happen and will he provide cover for these employees with bridging social welfare payments? Lest any eyebrows be raised about this, we should remind ourselves that the State and semi-State contracts which Gama won have saved the State at least €30 million. Other bidders lost out to Gama on the basis of its exploitation regime. This money is owed to the workers.

I read during the week that the new Pope has asked his flock to pray for him, “that I may not flee for fear of the wolves”. Will the Taoiseach and the Government stand up to this ravenous wolf called Gama which is looming over the construction industry and threatening vulnerable workers, migrant workers and, by extension, the rights and conditions of all workers? Will the Taoiseach stand up to Gama from today and ensure this scandal ends forthwith?

Deputies: Hear, hear.

The Taoiseach: As the Deputy knows, because he has worked with us on this over the last number of months, we have been endeavouring to deal with the outstanding issues on all the points he has raised. The first objective is to complete the work we have been involved in for several weeks in negotiating with Gama’s legal advisors who are currently our only contact with the company. This is not the best way to deal with the matter but it has been forced upon us.

Mr. Quinn: The Government still has contracts with Gama.

The Taoiseach: We are trying to bring resolutions to the outstanding issues and to devise an acceptable verification process in regard to the transfer of funds to the personal accounts of Gama workers. We are actively engaged in this regard. A number of employee accounts have been processed including those of the workers who have returned to Turkey. Certain issues were raised with the company last week and we are awaiting a response on those matters.

A separate issue is the difficulties in regard to the overtime sheets and the excessive hours worked. This is essentially an industrial relations issue and thus a matter for the Labour Relations Commission.

Mr. Broughan: How much overtime did the employees work?

The Taoiseach: Some 118 workers were involved in the first instance and approximately 100 in the second. We are endeavouring to make progress in this matter and it will be helpful to put the matter to the Labour Relations Commission. We have no problem taking the actions suggested by the Deputy in trying to assist the verification process. However, it is an industrial relations issue and must be dealt with by the Labour Relations Commission.

Mr. J. Higgins: It is a welfare issue.

The Taoiseach: I understand the welfare issue is under consideration. I hope the company will not dare to evict those workers on stoppage for whom it provides food and accommodation. I have already made that position clear to the legal representatives of the company, and I do so again here today. Such actions would not be acceptable. The Minister for Enterprise, Trade and Employment is involved on a daily basis, and some people in my Department who are working on the social partnership process have also been involved on a daily basis. Some of the workers have finished their work, and there are disputes around that. That issue is being dealt with. There are approximately 1,000 Gama workers in the country. I am talking about two lots of 118 and 100, and we are watching what is happening among the broader Gama workforce.

Mr. J. Higgins: No workers should go anywhere, and certainly not back to Turkey, until they get the money owed to them. Otherwise, they will clearly never see that money. With typical generosity, working people throughout this country are being hugely supportive of the Gama workers, who were cheered by residents of the Ballymun flats the other day, as they marched seeking justice. The Government must live up to the expectation that justice be done to all working people. Moneys that are due to Gama from State or semi-State contracts should be frozen immediately and, if necessary, sequestered to pay for the overtime due to the workers.

[Mr. J. Higgins.]

I want the Taoiseach to state definitively that the workers need day-to-day spending money. I want him to say that their food will be restored forthwith. That is a major issue. SIPTU has come to the rescue in the short term, which is very good, but that is not a solution. Is it not incredible that the only experience of Irish laws—

An Ceann Comhairle: The Deputy's minute has concluded.

Mr. J. Higgins: —that these migrant workers have experienced is the flouting of it by the company that brought them here on the invitation of the Tánaiste, and that the company is able to hire the most expensive lawyers in Dublin over the workers' unpaid wages to get High Court protection, preventing the truth of its exploitation regime from coming into the open by blocking the report of the labour inspectorate, which has done some very good work in this regard? Will the Taoiseach come back to us on the issue of the workers' food, on that of welfare payments and on that of accountants being deployed immediately?

The Taoiseach: As I said, we have encouraged the parties in the dispute to use the IR machinery to deal with the overtime issue and we are already giving whatever assistance we can. A large amount of people are working on the issue of the workers receiving their money, identifying what is due to them. I did not say — I do not think Deputy Joe Higgins accused me of this — that people should leave the country, but a number have gone already. It is about getting their money back, and some workers have gone themselves. That is the issue. On the matter of the workers' food, I understand that SIPTU is working and helping in that regard, and I have said that the workers should not be removed from their accommodation.

On workers coming to this country, Deputy Joe Higgins knows that, a few years ago, when price inflation on major contracts was zooming up, everybody in this House was calling on the Government to open up contracts and to attract more people into the country. That was a big issue in this House. It is not about me, the Tánaiste or any other Minister. The country was trying to deal with infrastructure problems and we were trying to get people in. Those who come here, however, have to follow the proper law and must conduct themselves on the proper basis. The labour inspectorate has worked hard to get to the bottom of the matter, as have Ministers. I also acknowledge Deputy Joe Higgins's role in the matter.

An Ceann Comhairle: The Taoiseach's time has concluded.

The Taoiseach: We continue to ensure that the 1,000 Gama workers in this country are properly looked after.

Ceisteanna — Questions.

Departmental Staff.

1. **Mr. Kenny** asked the Taoiseach the number of staff vacancies in his Department; and if he will make a statement on the matter. [8768/05]

2. **Mr. Kenny** asked the Taoiseach the policies of his Department in respect of the employment of persons with disabilities; and if he will make a statement on the matter. [8769/05]

3. **Mr. Rabbitte** asked the Taoiseach the number of staff vacancies in his Department; the number of persons with disabilities employed in his Department; the percentage of the overall staff which this represents; and if he will make a statement on the matter. [11818/05]

4. **Mr. Sargent** asked the Taoiseach the number of staff vacancies in his Department; and if he will make a statement on the matter. [11880/05]

5. **Caoimhghín Ó Caoláin** asked the Taoiseach the percentage of persons with disabilities employed in his Department; and if he will make a statement on the matter. [11936/05]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

There are no vacancies in my Department at present. My Department and the bodies under its aegis are committed to a policy of equal opportunity for all staff. Staff are recruited through the Public Appointments Commission on the grounds that they meet the requirements of the positions they are to fill. The issue of disability does not affect recruitment. No exception is made by my Department in this regard. In line with other Departments, we follow the guidelines set out in the Code of Practice for the Employment of People with Disabilities in the Civil Service.

Promotion, training and all other benefits and opportunities are decided on the grounds of ability, qualifications and other relevant objective criteria. The percentage of staff with a disability at my Department stands at 3.64%, which is above the suggested target.

Mr. Kenny: I am glad to hear the percentage of staff with a disability in the Department of the Taoiseach is 3.64% and that this is over the target set in the programme for Government. Does that target also apply to temporary staff in his Department? In other words, if people are being recruited on a temporary basis, does the same level of targeting for persons with a disability apply to temporary employees?

The Taoiseach: As I understand it, the target is for the total number of staff. The Department is

judged on the quarterly report on its total staff. My Department has always sought to treat the matter realistically. I do not consider the Department's achievement to be great, as the number is small. I would like to see a higher figure. We are always seeking new ways to appoint people with disabilities, many of whom could take the opportunity if we could provide it. They have a very valuable contribution to make. I would like to see the figure for my Department rise to 4% or 5%.

Mr. Kenny: Do the Department's employees with a disability, whatever it may be, move within the Department, or are they confined to the one position or job that they have been doing? Many public servants move between sections within departments. Is that done in the Department of the Taoiseach?

The Taoiseach: People with disabilities are treated on the same basis for promotion and recruitment. They are treated exactly the same. The only exception might be for telephonists, who have particular expertise in that area and who tend to stay in that job. In other grades, they can definitely move.

Mr. Rabbitte: How many additional people should be added to this in the Taoiseach's personal constituency office?

The Taoiseach: Is the Deputy asking how many more people should there be?

Mr. Rabbitte: Yes.

The Taoiseach: There is nobody in my constituency office who comes within the category of disabled. I would not have any difficulty, however, if suitable people in the Civil Service system were found. Everybody in my constituency section bar one is a civil servant. The people in my Department who have a disability are as good as and are equal to anybody else. There might obviously be some limitations to their work, but they make up for it well in other ways.

Mr. Rabbitte: We are talking at cross-purposes, although I accept what the Taoiseach has said about the disability quota. I was querying the number of staff in light of the Taoiseach's recent answer to a parliamentary question on that. I was asking how many additional people there would be, who were not included under that answer, working in the Taoiseach's constituency office.

The Taoiseach: All the people working in the constituency office are included in that. They are part of the staff.

An Ceann Comhairle: Deputy Sargent.

The Taoiseach: I do not have a copy of last week's—

Mr. Rabbitte: The Taoiseach does not know how many people are working in his constituency office.

Mr. Sargent: A fair number.

The Taoiseach: The Deputy would not believe it if I told him that I have not been in the constituency office in my Department.

Mr. Rabbitte: The Taoiseach is right. I would not believe that.

The Taoiseach: I have not been there. I do not know. I think it is six. Whatever I said last week. That office is in another part of the building and I do not think I have been in it.

Mr. Rabbitte: Five minutes later, and I have got an answer.

Mr. Durkan: The Taoiseach has so many staff, he cannot count them.

Mr. Kehoe: He has more than several Deputies put together.

Mr. Sargent: I cannot believe the Taoiseach does not know how many people are in his constituency office.

An Ceann Comhairle: The Deputy should proceed with his question.

Mr. Sargent: My question can hopefully be answered straightforwardly. I am wondering about the 4% reduction in the Taoiseach's staff levels. Has he succeeded in making that reduction in 2005, or is any of the reduction coming off the spin doctoring wing of his Department? Am I right in saying the cost of special advisors, programme managers and press officers to the Department of the Taoiseach is €850,000? It was reported that the Taoiseach was proportionally reducing his staff. In what areas has he succeeded in this regard?

An bhfuil daoine ina Roinn atá ar a gcumas gnó a dhéanamh trí Ghaeilge agus ceisteanna a fhreagairt trí Ghaeilge? Má tá ceisteanna le cur anseo sa Dáil chuig an Taoiseach trí Ghaeilge, an bhfuil sin indéanta ó thaobh foireann a Roinne?

The Taoiseach: My Department will reach the reduction target of 4%. With regard to any new vacancy, the Department examines how it might reschedule staff and achieve greater efficiency. We are on course to meet the target and will do so. This will not be achieved by decreasing the workload but by efficiency, and technology helps in this regard by reducing the volume of paper. We must ensure we meet the target but we must not cut any of our services or current workload.

There are people throughout my Department who are proficient in the Irish language when dealing with the public and answering e-mails, correspondence and telephone calls.

Caoimhghín Ó Caoláin: The disability legislation consultation group concluded that a more robust mechanism is required for the enforcement of the 3% quota with regard to the employment of people with disabilities. Does the Taoiseach agree that a gradual increase in this quota is needed? I take some hope from his earlier reply when he said he would like to see this increase to 4% and 5%. Does the Department of Justice, Equality and Law Reform monitor and enforce the quota across all Departments?

An Ceann Comhairle: The question specifically refers to the Department of the Taoiseach.

Caoimhghín Ó Caoláin: My question also refers to the Department of the Taoiseach. Does the Department of Justice, Equality and Law reform monitor and enforce the quota with regard to the Department of the Taoiseach and all others? Is there a special unit for that purpose?

The Taoiseach: In response to an earlier question by Deputy Rabbitte, seven people work in my constituency office.

The enforcement of the quota with regard to the employment of people with disabilities is not easy to achieve and is co-ordinated by the Department of Justice, Equality and Law Reform which monitors all Departments in this regard. However, it is a difficult task. I would have liked the figure to have increased many years ago, but it is hard to get people to make the effort at times. It has improved in my Department and others, and there are driving efforts to continue this improvement.

People should sometimes take a chance. A person with a disability will lose out if the same rigorous criteria are followed every time. There are many people in the system and it will not be the end of the world if it does not work out 100%. How can it? It is not easy having a disability. The Department of Labour had responsibility for the issue and was traditionally very good in this regard. Individuals made up for their disability in other ways and were always prepared to work longer hours and overtime at weekends. People should press the matter.

The issue of the quota must be pressed, monitored and driven. It is difficult to achieve but there are good people out there and more of them are applying to the Department.

Caoimhghín Ó Caoláin: Who is monitoring the issue?

The Taoiseach: The Department of Justice, Equality and Law Reform.

Caoimhghín Ó Caoláin: Has it a special unit?

The Taoiseach: It pursues each Department in respect of the issue. The Minister of State contacts each Department and reminds it of its

responsibility. The equality section is the special unit in this regard.

Freedom of Information.

6. **Mr. Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during the first quarter of 2005; and if he will make a statement on the matter. [8770/05]

7. **Mr. Rabbitte** asked the Taoiseach the number of applications received by his Department under the Freedom of Information Act 1997 during the first quarter of 2005; the way in which this compares with the same period in 2004, 2003 and 2002; and if he will make a statement on the matter. [11819/05]

8. **Mr. Sargent** asked the Taoiseach the number of freedom of information requests which have been received in his Department; the number refused; and if he will make a statement on the matter. [11881/05]

9. **Caoimhghín Ó Caoláin** asked the Taoiseach the number of freedom of information requests to his Department in 2005 which were refused in cases in which the Secretary General has issued a certificate stating that the record contains matter relating to the deliberative process of his Department; and if he will make a statement on the matter. [11937/05]

The Taoiseach: I propose to take Questions Nos. 6 to 9, inclusive, together.

A total of six requests were received in my Department in the first quarter of 2005. Of these, two were granted, two were part granted, one was withdrawn and there are no records in respect of one request.

In the first quarter in 2004, 11 requests were received. In the same period in 2003, 80 requests were received. In the same period in 2002, 47 requests were received.

A total of 1,095 requests have been received in my Department since the Act came into operation in April 1998. Of these, 128 were refused.

There have been no requests refused in 2005 on the basis that they relate to the deliberative process of the Department and so the Secretary General has not issued any certificates in that regard.

All requests received in my Department are processed in accordance with both the 1997 Act and the 2003 Act and their implementation is kept under constant review.

Mr. Kenny: The former Secretary General of the Department of Health and Children recently appeared before the Oireachtas committee to speak in respect of the Freedom of Information Act. He said that unreserved acceptance at political level of the findings, for instance, of the Travers report, would result in great relief for public servants who often found themselves torn between their public service obligations and their

professional need to maintain a constructive working relationship at political level.

Is the Taoiseach happy that the Freedom of Information Act operates in his Department on the sole basis of the legislation and that considerations of political manoeuvrability do not arise? Does he accept that the amending legislation with regard to the Act, as pioneered by the Government, was solely designed to facilitate such political movement and to spare the embarrassment of whichever Minister might be under the spotlight?

The Taoiseach: People make requests for information from my Department and others and the functions of general examination and primary decision have been delegated by order as envisaged in the Act. With regard to my Department, these functions are generally delegated to those in the grade of assistant principal officer, although a number of cases are reviewed by those in the grade of principal officer. Some 18 staff across all divisions of my Department are allocated to deal with requests as key decision makers in addition to their normal duties. These staff are mainly at the level of assistant principal officer grade 1 and higher executive officer and are the freedom of information liaison officers responsible for receipt and monitoring of requests and co-ordination of replies. Two assistant secretaries and four principal officers are responsible for internal review processes.

The information is gathered, presented and dealt with without any involvement by myself or any political people who work for me. I am lucky if there is a list——

Mr. Kenny: The Taoiseach is lucky full stop.

The Taoiseach: There is a list of monthly requests for information. Sometimes I see the list and sometimes I do not. However, I have no involvement in the process whatsoever.

The changes do not help in any way other than in the improved working of the system. People who seek information about themselves can still do so for free. The €15 charge for making a freedom of information request cannot be considered a major deterrent to the responsible use of the Act. The changes have not affected that in any way.

Mr. Kenny: What the Taoiseach has outlined appears to differ from what applies to the Minister for Justice, Equality and Law Reform, who, when I asked a question about freedom of information last year, said that he was quite entitled to release the information to the media before the response to the freedom of information request was released by the section of his Department. In his reply the Minister for Justice, Equality and Law Reform said: “Where a request is submitted in respect of records directly held by my office, my officials will bring the matter to my attention so that both I and my office——

An Ceann Comhairle: It is not appropriate to quote.

Mr. Kenny: ——can fully comply with the requirements of the Act.” When a freedom of information request is made to the Department of Justice, Equality and Law Reform, the relevant section brings it to the Minister’s notice so that he and they can fully comply with the Act. This means that the Minister, in his capacity, can feel quite free to release that information, if he feels it appropriate, before the freedom of information officer sends it to a Deputy. However, this does not seem to apply in the case of the Taoiseach, where there is no political involvement from the Taoiseach as head of his Department. Does this apply across all Departments or just to the Department of the Taoiseach?

An Ceann Comhairle: The question relates specifically to the Department of the Taoiseach.

The Taoiseach: If I had some information in my Department, which I believed should be in the public domain and would be of some relevance, we would release it. It is not a question of waiting for a freedom of information request. We might have background data to report and we might decide to release the whole lot including case studies etc., which happens all the time. It is not triggered by a freedom of information request. While I cannot talk for every Department, I would not be aware of a freedom of information request being made. I can remember the cases where somebody might have mentioned to me that a freedom of information request had been received.

Mr. Kenny: In the case of the Department of Justice, Equality and Law Reform, this information is brought to the attention of the Minister.

The Taoiseach: If I used my Department credit card, which I do not do, to go to dinner with somebody, some people might wish to know whom I was with, what I had eaten and whether I drank wine or Ballygowan.

Mr. Timmins: They want to know what the Taoiseach’s broadcast unit is doing.

The Taoiseach: An official might mention that such a request was received. However, other than that, they do not. For that reason I do not bother using the credit card because people would know whom I was with.

Mr. Rabbitte: I have sympathy with the Taoiseach in that matter.

Has the Department of the Taoiseach carried out any assessment of the dramatic fall-off from 80 freedom of information requests in 2003 to six and the character of the applications that have been weeded out? Has such an analysis been carried out across Departments generally? What proportion of them was mischievous or trivial?

[Mr. Rabbitte.]

What proportion of them was for commercial purposes, with commercial entities getting the Department to do their preparatory work, supplying them with data that otherwise would need to be compiled at some cost? This is apart entirely from applications that Members on this side of the House might believe to be meritorious but which the Government felt it appropriate to shut down.

The Taoiseach: Overall that might be an interesting study for the Department of Finance to carry out. In the early years my Department received an enormous number of requests relating to historical issues. People were going back using procedures, even current ones, to find out what the procedure might have been in the past. It was obvious they would go through the system and after a few years fall out. So there was that period of historical interest and there was considerable public interest in it. The cost of €15 will not put off those seeking the information for commercial purposes. Regarding the people who were using the system — it would be wrong to say abusing it totally — to get information and were submitting enormous numbers of freedom of information requests within the law, those requests have declined. I do not know why those people were doing it, or whether they were using the information or passing it on. However, some of the people who were at this on a regular basis seem to have tired of the system. They were probably not making much use of the material.

The number of requests for personal information has not changed. The media requests have fallen off. That has been the change. The early years were about people who had waited for a long time. We had a long debate about the matter over three years and people were waiting to submit their requests. I will keep a monitor, perhaps to the end of the year, in my Department and produce a brief report to check on the matter. I would be happy to do that.

Mr. Sargent: In his answer the Taoiseach stated that six requests had been received. He then proceeded to tell us that two had been granted, two had been part granted and one was withdrawn. Does the Taoiseach want to tell us about another one or do we need to submit a freedom of information request to find that out?

The Taoiseach: One had no records.

Mr. Sargent: I did not hear the final piece, go raibh maith ag an Taoiseach. Given the sizeable decrease in the number of freedom of information requests, from 143 in 2003 to 45 in 2004, and given that the Department of the Taoiseach has collected €525 in fees in 2004, does this match or exceed the cost of processing freedom of information requests? In other words does the freedom of information legislation represent a profitable enterprise? Has the €35.5 million cost of

setting up Media Lab been the subject of any freedom of information request to the Department of the Taoiseach, given the Taoiseach's involvement in the establishment of that project?

The Taoiseach: The average cost as calculated by the Department of Finance is approximately €425 at 2004 levels. As the fee for each request is €15, it is a very unprofitable and costly business, and the fee represents a very small fraction of what it costs to process requests.

I believe there have been freedom of information requests regarding Media Lab. This information was either released following freedom of information requests or otherwise. I have read all about the matter in the newspapers. That information is in the public domain. Responsibility for that unit is now with a different Minister. All the information has been released and there were no secrets about that issue.

Caoimhghín Ó Caoláin: I seek clarification on one aspect of my Question No. 9. In any case did the Secretary General issue a certificate stating that the record of the subject matter of the request related to the deliberative process of the Department? Have any appeals been made to the Information Commissioner on any of the requests that were refused? Last year the Information Commissioner asked for a reappraisal of the €150 fee that applies to reviews carried out by her office.

An Ceann Comhairle: That matter does not arise in questions to the Taoiseach. It is a matter for the Minister for Finance.

Caoimhghín Ó Caoláin: Has that review been undertaken?

An Ceann Comhairle: That matter does not arise in this set of questions.

Caoimhghín Ó Caoláin: The Taoiseach might tell us anyway.

The Taoiseach: The Deputy asked specifically about 2005. We have not issued any certificate in 2005 and the Secretary General of my Department has never signed a certificate relating to the deliberative process. While the provision exists, we have not used it.

Public Private Partnerships.

10. **Mr. Kenny** asked the Taoiseach if he will report on the outcome of the March 2005 meeting of the cross-departmental team on infrastructure and public private partnerships; and if he will make a statement on the matter. [8771/05]

11. **Caoimhghín Ó Caoláin** asked the Taoiseach when the Cabinet sub-committee on housing, infrastructure and PPPs last met and the membership of the sub-committee. [11677/05]

12. **Mr. Sargent** asked the Taoiseach if he will report on the last meeting of the cross-departmental team on infrastructure and public private partnerships; and if he will make a statement on the matter. [11882/05]

The Taoiseach: I propose to take Questions Nos. 10 to 12, inclusive, together.

At the March meeting of the cross-departmental team on housing, infrastructure and PPPs, the main agenda items were: housing, particularly in the context of recent reports from the National Economic and Social Council and the All-Party Oireachtas Committee on the Constitution; strategic national infrastructure, especially proposals to expedite delivery; and the transport investment programme under the ten-year envelope announced on budget day.

The team met again on 4 April. At that meeting, it reviewed developments on housing, noting in particular the implementation of the affordable mortgage product. The team also considered its work programme, including the post-NDP scenario. On that specific issue, the Government has yet to make a decision on whether there will be a formal successor to the current NDP and if there is, what it should encompass. Regarding the Cabinet sub-committee to which the cross-departmental team reports, it last met on 9 March. That was the second meeting this year, with the next scheduled for 5 May.

The sub-committee, which I chair, comprises the Tánaiste and the Attorney General, along with the Ministers for Finance, Communications, Marine and Natural Resources, Community, Rural and Gaeltacht Affairs, Education and Science, Enterprise, Trade and Employment, Environment, Heritage and Local Government and Transport. It also includes the Minister of State at the Department of the Environment, Heritage and Local Government and the Government Chief Whip.

Mr. Kenny: Now that reform of the EU Stability and Growth pact has been agreed, can the Taoiseach put a figure on what additional moneys the State will be able to invest here in terms of infrastructure? When does he expect that the Department of Finance will be able to bring forward proposals for reform of the PPP system? As chairman of the Cabinet sub-committee on infrastructure, housing and PPPs, when does the Taoiseach expect the critical infrastructure Bill to appear, or has it gone from the agenda? Is there a realistic chance that it will see the light of day? Given the €600 million shortfall in infrastructural spending in the BMW region, and given that the McCann report will be published shortly and will, I understand recommend that as a major piece of western infrastructure, the entity from Sligo to Ennis could be built and provided and would be economic——

An Ceann Comhairle: The Deputy should address detailed questions to the relevant line

Minister. Only general questions should be addressed to the Taoiseach.

Mr. Kenny: It links 20 towns. For instance, as a critical piece of infrastructure, is the Taoiseach willing to see it implemented, on the basis of the report's recommendations being favourable? As it currently applies to the western rail corridor, the law actually——

An Ceann Comhairle: This is a question for the relevant line Minister. The Deputy has made his point.

Mr. Kenny: The Ceann Comhairle stated yesterday that he wanted to implement a strict rule in terms of the time available for Leaders' Questions. I guarantee that if he checks the times that were allocated today, he will find that I complied with his ruling.

An Ceann Comhairle: I accept that.

Mr. Kenny: Some of the Taoiseach's answers did not. I can prove that if the Ceann Comhairle wishes.

An Ceann Comhairle: The Taoiseach did not speak for longer than the leader of the party to whom he was replying.

Mr. Kenny: The Taoiseach can be very helpful to me.

An Ceann Comhairle: The Taoiseach came in under time when he was replying to Deputy Kenny's question.

Mr. Kenny: If the Taoiseach can reply after this little spat——

An Ceann Comhairle: In fact, I would say that Deputy Kenny and the Taoiseach were models of perfection on Leaders' Questions this morning. Both of them stayed within time.

Mr. Kenny: I thank the Ceann Comhairle.

Mr. F. McGrath: It is like being in school. They can go to the top of the class.

Mr. Kenny: In view of the Ceann Comhairle's kindness, I will desist from haranguing the Taoiseach further.

Mr. Rabbitte: I will protest later that not all leaders were described as models.

The Taoiseach: I will deal briefly with the three issues raised. The Stability and Growth Pact as it now stands allows an increase in funding. If one performs an arithmetical exercise, the potential figure is something like €1 billion. All the other criteria of capital projects would have to be fulfilled, but it allows for a greater level of funding. The Members should remember that we are

[The Taoiseach.] already spending 6% in Ireland, which is at least 2% above the average and probably double the rate in most countries. However, as I stated to Deputy Rabbitte recently, during the debate on the Stability and Growth Pact, the Government argued that the reason for this is that Ireland is a low debt country with an infrastructural deficit. The amended pact allows flexibility in the multi-annual programmes for transport and other areas.

The infrastructure Bill has just returned from the office of the Attorney General. It will be brought before the Government shortly. It is at an advanced stage and I hope it will be published by the summer although I do not think it will be taken before the summer recess.

Without going into the details, I wish to make a brief statement on the western rail corridor to be helpful to Deputy Kenny. That project should be taken on a phased basis. I noticed that as soon as I said “phased basis”, everyone shouted that it should be completely implemented. Realistically, the thing to do is to try to create the corridor on a phased basis. It makes a great deal of sense to push forward on this project.

Caoimhghín Ó Caoláin: Has the Cabinet sub-committee on housing, infrastructure and PPPs examined the issue of second homes? I ask in the context of the absence of real statistics regarding second homes. However, the indication is that currently, as far as new starts are concerned, the number of second homes outstrips the provision for social housing in a ratio of three to one.

An Ceann Comhairle: The Deputy is aware that discussions of the Cabinet sub-committee are confidential and a detailed question on housing should be addressed to the line Minister.

Caoimhghín Ó Caoláin: Will the Cabinet sub-committee address this matter? This is the focus of these questions. As it is so important, will the Taoiseach state whether the Cabinet sub-committee will address this major disparity? The NESC report recommended a significant increase in local authority housing. Will the Cabinet sub-committee address the details in the NESC report? It is a damning indictment of the failure of this administration to meet social housing needs.

An Ceann Comhairle: The Deputy has made his point.

Caoimhghín Ó Caoláin: We have more than 40,000 households——

An Ceann Comhairle: The Deputy is making a statement.

Caoimhghín Ó Caoláin: I have made the point and I would appreciate an answer from the Taoiseach.

The Taoiseach: The categorisation of second houses is broad. One cannot infer from the figures that a second house is a house that someone lives in at weekends. Many second houses are bought for investment purposes. In that broad categorisation, the Deputy put forward figures which are probably accurate, but he is including people who have bought houses for investment purposes which are then let out in the market.

Caoimhghín Ó Caoláin: My main concern is the absence of social housing.

The Taoiseach: On the other point, the Government has addressed the NESC report and the all-party committee report. As I stated earlier, the Minister for the Environment, Heritage and Local Government will bring forward a position on the issue shortly. I have already stated that the matter will be debated in the House when we do so.

Mr. Eamon Ryan: I have two transport-related questions for the Taoiseach. He will have noticed in the newspapers today that the Minister of State at the Department of Transport, Deputy Callely is out with what he terms his shopping basket, although it is more like a shopping trolley, of €16 billion worth of transport projects.

An Ceann Comhairle: Does the Deputy have a question?

Mr. Eamon Ryan: I do. Does the Minister of State at the Department of Transport attend this sub-committee’s transport meetings? If not, what credence should the House give to his shopping trolley full of transport projects? In the past, the Taoiseach has stated in this House that the buy-out of the West Link bridge is not possible. Since then, the National Roads Authority has stated in the Oireachtas Joint Committee on Transport that not only is it possible——

An Ceann Comhairle: Detailed questions should be addressed to the appropriate Minister.

Mr. Eamon Ryan: Has this issue of the buy-out of the West Link and its replacement by an alternative tolling arrangement on the approach roads to the M50 been addressed at this sub-committee given that it is now the favoured option of the NRA and other transport experts in the city?

The Taoiseach: The issues the Minister of State at the Department of Transport, Deputy Callely listed are issues that have been discussed in the ten-year multi-annual transport review. The Department of Finance and the Minister for Transport will make a final decision over the coming weeks. The Minister announced the multi-annual programme in the budget last December and the debate on the decisions to be made in that context now opens up. However, there is a finite sum available, and even if the figure is slightly bigger because of the changes to

the Stability and Growth Pact, it is still not large enough to accommodate every single project that is being proposed everywhere. The issue of the respective views on the toll bridge held by the NRA and the Department has been mentioned but not debated at this sub-committee. However, the matter is being debated in the Department and in the NRA to ascertain the feasible options. If the Deputy tables a question, he will be receive the update from the Minister.

Mr. Rabbitte: The Taoiseach said that one of the main priorities on the agenda was the strategic national infrastructure question and whether we can expedite its delivery. Have any actions been taken to do precisely that? Will the Taoiseach clarify his remarks on the reform of the Stability and Growth Pact? It is not clear whether as a result of the loosening or reforms of the pact, the Government will invest more to address the infrastructure deficit.

The Taoiseach: Regarding the first issue raised by Deputy Rabbitte, there has been a review of the critical infrastructure Bill and an updated and reformed version of the legislation will be brought forward. A considerable amount of work was carried out by the Minister over the last six months which has improved it.

The Department of Finance is assessing the Stability and Growth Pact and will examine the various envelopes on the capital side to see whether there should be a change in that. At this stage, there has been no change. We are at 6% and I do not accept the argument made in Brussels that we cannot be 3% ahead because we are currently 2% ahead. If one looks back to the 1960s when some of these countries were building at 6%, Ireland was building at 0.6%. I do not think we can follow that and I believe we have won that argument.

We must now make an assessment for the next decade. It is important for us to keep at 6% for ten years up to 2020 because it is only then that we will get our infrastructure up to pace. We must maintain a high level of public expenditure for a sustained period of ten to 15 years to modernise our infrastructure. We won the argument after a battle over the Stability and Growth Pact that went on for several years. This and future Governments should remain at the current level if they can afford it because we need it to modernise our infrastructure. We now have the capacity to do so and the Department of Finance will have to decide on the matter. There is no reason we cannot go above that level.

Mr. F. McGrath: Is the Cabinet sub-committee genuinely aware of the major housing crisis, particularly for the 50,000 on local authority waiting lists? This has a knock-on effect on more than 100,000 people. What progressive proposals does the Cabinet sub-committee have to deal with social and affordable housing? Is the Taoiseach aware of the major housing crisis and is the sub-

committee aware of the reality that many young couples cannot afford to buy their own homes?

The Taoiseach: The Government is very aware that supply, which was the crucifying problem for many years, has reached 80,000 units and is double what anyone believed seven or eight years ago could be achieved. This is having a knock-on effect on affordable housing because supply and demand are becoming more evenly balanced, as are the changes that have been made with regard to stamp duty and other initiatives such as Part V. Although the effects are slow to come through, we are seeing much more now under Part V and the seven or eight other initiatives. The Government is investing much more in social housing. We are also witnessing a much higher proportion of first-time buyers in the affordable housing category and in the overall housing category. The changes made on the mortgage product, which allow loans of 95% of the purchase price of affordable housing, are very helpful to young people who wish to buy their own houses.

Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a number of notices under Standing Order 31.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the major threat of closure to the northside community law centre in Coolock and the urgent need for adequate funding so that the centre can carry on its valuable work in social welfare law, consumer credit and debt and the general issue of poverty.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need to approve the location of a public radiotherapy unit at Waterford Regional Hospital to serve the interests of the south-east region given the higher than average rates of cancer, to ensure that equal access to radiotherapy services exists and to end cancer care apartheid.

Mr. Costello: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Justice, Equality and Law Reform to refrain from threats of prison closures as a means of resolving his dispute with the Prison Officers Association and to re-engage with the normal industrial relations procedure.

Mr. Allen: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Transport to state clearly how the development of the new terminal at Cork Airport will be funded because confusion exists regarding the identity of who will fund the terminal.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 31.

Order of Business.

The Taoiseach: It is proposed to take No. 15, Sea Pollution (Hazardous Substances) (Compensation) Bill 2000 — Order for Report and Report and Final Stages; No. 4, Electoral (Amendment) Bill 2005 — Order for Second Stage and Second Stage; and No. 16, Commission to Enquire into Child Abuse (Amendment) Bill 2005 — Second Stage (resumed). Private Members' business shall be No. 41, motion re class sizes (resumed) to conclude at 8.30 p.m.

Mr. Kenny: Regarding the McEntee inquiry into the Dublin and Monaghan bombings announced by the Department of Justice, Equality and Law Reform, will the Opposition parties be consulted about the inquiry's terms of reference?

It is obvious that all parties in the House recognise the seriousness of the anti-social behaviour issue. Regarding the Children Act 2001, when is it proposed to introduce statutory instruments for section 1(11) and 1(12) dealing with parental supervision, sections 115 to 132, inclusive, dealing with community sanctions and sections 137 to 139, inclusive, dealing with other aspects of community orders? The Taoiseach is aware that there are 53 uncommenced sections in the Children Act, which should be implemented and prioritised by him.

Caoimhghín Ó Caoláin: I wish to return to the issue of the McEntee inquiry. Given that Justice for the Forgotten has expressed its dissatisfaction with the inquiry's terms of reference — the form of investigation that is to be undertaken into the missing Garda files relevant to the Dublin and Monaghan bombings — will the Taoiseach revisit the terms of reference? Is there a facilitation for amended terms of reference to come before the House so that Members could have the opportunity to affect the final terms of reference?

Mr. Costello: Justice for the Forgotten has already publicly indicated that it will not participate in the new commission of investigation. This would be particularly regrettable because Justice for the Forgotten has contributed so much to all the hearings into the bombings. In this context, legal representation has already been afforded to Justice for the Forgotten relatives and survivors. Could we extend this where it impinges on that group's area of involvement to ensure the first commission of inquiry under the new legislation is not short-lived or ineffective?

The Taoiseach: I will request the information on the various sections of the Children Act about which Deputy Kenny asked and forward it to him.

On the commission of investigation, my officials have discussed the issue with Justice for the Forgotten. The group would prefer broader terms of reference but we have taken as terms of reference what happened in the Oireachtas committee and the issues that had been identified there. People can make submissions to Mr. Patrick McEntee SC. We are trying to address the issues that have been raised but not to open an extensive investigation of the past 30 years that will continue forever. We have been through this process and we must narrow the areas being dealt with.

I was glad to provide a significant amount of legal and financial resources to Justice for the Forgotten but this has been a costly exercise. With the commission of investigation we hope to have a quick examination, and to get the benefit of this type of report on tight terms of reference, as other countries seem to do. This is why it must be narrowed down but people can make their views known to Mr. McEntee. We have covered all of the points that came from the debate in this House and in the Oireachtas committee and all those issues we felt must be dealt with.

Mr. Rabbitte: I raise the issue of the Work Permits Bill. Would the Government be prepared to facilitate an employment regulation order in respect of people in domestic service? This is an especially acute area of exploitation of non-national workers and others. An employment regulation order is the most appropriate way to address the issue, as trade union organisation in domestic service is not really feasible.

The Taoiseach: The Bill will be published in this session and I thank Deputy Rabbitte for raising the issue.

Mr. Sargent: On promised legislation, yesterday the Garda Síochána and others highlighted the risks to pedestrians on our streets. This arises in the context on ongoing accidents. For example, a young lady in Balbriggan had her legs crushed yesterday.

An Ceann Comhairle: Does the Deputy have a question on legislation?

Mr. Sargent: The legislation relates to the Minister for Transport. Does the Minister intend not to wait for European initiatives regarding the retrofitting of trucks and large vehicles with mirrors to improve safety? Given the urgency of the matter, can we soon proceed to put these measures into effect rather than waiting for the number of casualties to escalate?

The Taoiseach: I will ask the Minister for Transport to note the Deputy's comments.

Mr. Durkan: The postal provisions Bill seems to have disappeared from the radar, a common occurrence on that side of the House. Is it intended to bring that Bill back into the House in

the near future, or at least before the next general election? Similarly, is it intended to introduce the Broadcasting (Amendment) Bill that I asked about last week? I still cannot comprehend the answer I received then. In the present climate, it would be beneficial to know whether this Bill will be brought before the House before the next general election.

The Taoiseach: The Broadcasting (Amendment) Bill is being prepared but it will probably be next year before it is before the House. The Postal (Miscellaneous Provisions) Bill was taken off the list and I am unsure of its current status. I will request information about it.

Mr. Durkan: The Bill has gone off the radar.

Mr. Broughan: The chief whip almost had me in tears on the radio yesterday afternoon on the issue of developers building 20 or 30 storey buildings.

An Ceann Comhairle: Does the Deputy have a question on legislation?

Mr. Broughan: My question is on legislation.

An Ceann Comhairle: Which legislation?

Mr. Broughan: It is infrastructural legislation for the south west and north side of this city. I asked the Taoiseach previously whether he is prepared to introduce such legislation to give Ministers like the Minister of State, Deputy Kitt an input—

An Ceann Comhairle: There is no legislation on this.

Mr. Broughan: A strategic infrastructure Bill.

Caoimhghín Ó Caoláin: The Taoiseach stated yesterday that we could have had a debate on the minimum wage. When does he intend to schedule this? The Taoiseach indicated that he had no problem with having such a debate. He thought I had it all wrong and had no difficulty facing me on the issue. I would like to take the Taoiseach up on his offer to have a debate on the minimum wage and the fact that, from this Sunday—

An Ceann Comhairle: We are not having a debate on this matter at present.

Caoimhghín Ó Caoláin: —37,000 workers will be back in the tax net. I want an answer to my question. Will the Taoiseach schedule the debate and will he allow an opportunity to address the issues?

An Ceann Comhairle: We cannot discuss what might be in the debate or we would be here all day.

Caoimhghín Ó Caoláin: We must know what the debate will be about. The debate should also address the issue of immigrants—

An Ceann Comhairle: I ask the Deputy to stop. If the debate happens now, there will be no need for the Taoiseach to answer the question.

Caoimhghín Ó Caoláin: Will the Taoiseach confirm when he intends to schedule the debate?

The Taoiseach: Deputy Ó Caoláin has been beaten by Deputy Joe Higgins in this round.

Caoimhghín Ó Caoláin: Will the Taoiseach give a date? He can throw one out off the top of his head without a script.

An Ceann Comhairle: Is the debate promised?

Caoimhghín Ó Caoláin: I read the transcript and the Taoiseach promised a debate.

The Taoiseach: The Deputy wants to come in to say how excellent the minimum wage is in Ireland, but as soon as I corrected him on that he moved to the tax issue.

Caoimhghín Ó Caoláin: I would welcome the opportunity. What does the Deputy propose to do about the 37,000 workers?

An Ceann Comhairle: Allow Deputy Allen to speak. I have called Deputy Allen.

Mr. Allen: Will the Taoiseach use the Air Navigation and Transport (International Conventions) Bill to clarify the confusion about who pays for what concerning the building of terminals?

An Ceann Comhairle: We cannot discuss what might be contained in the Bill.

Mr. Allen: Will the Taoiseach clarify the situation and when will we have the Bill?

The Taoiseach: We will have it this year.

Ms Burton: On the Electoral (Amendment) Bill 2005, when discussing the Estimates in the Committee on Finance and the Public Service, the Minister of State announced last week that there would be a census on 26 April. Can the Taoiseach clarify whether the census will report within three months, as was suggested by the Minister of State in the committee last week?

An Ceann Comhairle: This does not arise on the Order of Business.

Ms Burton: Why are we going through this Bill if the Government has commissioned another census?

An Ceann Comhairle: When will the Bill come before the House?

Ms Burton: Will there be a need for another Bill?

The Taoiseach: There will be a need three or four years after the next census because that is how long it takes to go through.

Ms Burton: That is not what the Minister of State said in the committee.

An Ceann Comhairle: The Deputy should submit a parliamentary question about the census to the appropriate line Minister.

Mr. Naughten: As Deputy Sargent said, the Government and the Garda launched a campaign on pedestrian deaths yesterday. In the context of that and in the context of secondary legislation, I am sure the Taoiseach accepts as unsatisfactory the increasing of speed limits outside schools on national primary roads—

An Ceann Comhairle: The question must be on legislation.

Mr. Naughten: —and built-up areas, which is increasing potential fatalities. In light of that will we see secondary legislation regarding the Road Traffic Act 2004, which provided for the implementation of guidelines to reduce speed limits outside schools?

An Ceann Comhairle: This is secondary legislation.

Mr. Naughten: When will the Government get its act together?

The Taoiseach: The guidelines have been issued to local authorities and it is for them to act on these issues.

Mr. Naughten: This must have happened in the past few days.

The Taoiseach: In the past week.

Mr. Eamon Ryan: Given that the Minister for Transport seems to be of the view that we should have an overall national transport regulator, which legislation would introduce such a regulator? Would it be the transport reform Bill, for which we do not have an expected date? On what date will the relevant legislation be introduced?

The Taoiseach: I do not have a date for the legislation.

Mr. Eamon Ryan: Do we know if this is the correct legislation that will deal with this matter?

The Taoiseach: It will be included in a Bill. As I understood it, the Minister was talking about better regulation and not about a particular proposal.

Mr. Eamon Ryan: So we will not have regulator.

Mr. Cullen: I did not say that either.

Mr. Eamon Ryan: What is the Minister saying?

An Ceann Comhairle: I call Deputy Kehoe. We are not having a debate on this matter now. I suggest Deputy Eamon Ryan submits a parliamentary question to the Minister for Transport to have the matter dealt with in the appropriate way.

(Interruptions).

Mr. Kehoe: Given the ever increasing pressure on nurses in accident and emergency departments throughout the country, when does the Taoiseach expect the nurses Bill will be published?

The Taoiseach: I do not have a date for it.

Mr. Kehoe: The Taoiseach is neglecting our nurses.

Mr. Rabbitte: Will the Government introduce legislation on Aer Lingus given the Tánaiste's diplomatic absence from yesterday's Cabinet meeting to provide time to come up with some cobbled solution to the mess at Dublin Airport?

The Taoiseach: There is no Bill on Aer Lingus at present.

Mr. Naughten: Legislation is promised.

The Taoiseach: It is not listed on the schedule.

Mr. Connolly: I wish to raise two issues. Given that operations had to be cancelled at Monaghan General Hospital this morning due to bed shortages, when will the Taoiseach open the much needed ten extra beds, as promised?

An Ceann Comhairle: The Deputy should submit a parliamentary question to the Minister for Health and Children.

Mr. Connolly: I wish to raise a second issue.

An Ceann Comhairle: I will hear the second issue after I hear Deputy Hayes.

Mr. Hayes: Does the Taoiseach intend to introduce legislation on the dormant accounts fund? The reason I ask is that many centres throughout the country are in financial difficulties and find it difficult to apply for funding under the current legislation. Will the Taoiseach clarify the situation?

The Taoiseach: The Bill has been published and is with the select committee.

An Ceann Comhairle: Deputy Connolly said he had an issue appropriate to the Order of Business.

Mr. Connolly: It relates to the renaming of the treatment room in Monaghan General Hospital as an accident and emergency unit.

An Ceann Comhairle: I call Deputy Boyle.

Mr. Connolly: It is effectively providing accident and emergency services.

An Ceann Comhairle: The Deputy is out of order. I call Deputy Boyle.

Mr. Rabbitte: The Micheál Martin treatment room.

Mr. Boyle: Will the Department of the Environment, Heritage and Local Government bring a Supplementary Estimate before the House given yesterday's European Court of Justice decision?

An Ceann Comhairle: To what legislation does that refer?

Mr. Boyle: Will the Department of the Environment, Heritage and Local Government bring a Supplementary Estimate before the House? Will another Supplementary Estimate be brought before the House by the same Department or by the Department of Arts, Sport and Tourism if additional State money is required by Cork which has been designated European City of Culture if private sector funding is not forthcoming?

The Taoiseach: The Department of the Environment, Heritage and Local Government is looking in detail at yesterday's judgment. No Supplementary Estimate is proposed at this stage. On the second question, the Government has already given large sums of money to Cork, the European City of Culture. The Minister engaged with the committee last year and continues to do so this year.

Defence (Amendment) Bill 2005: First Stage.

Mr. Timmins: I move:

That leave be granted to introduce a Bill entitled an Act to authorise contingents of the permanent defence force to participate in training outside the state and for that purpose to amend the Defence (Amendment) (No.2) Act 1960.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Mr. Kitt): No.

Question put and agreed to.

An Ceann Comhairle: Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Mr. Timmins: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Sea Pollution (Hazardous Substances) (Compensation) Bill 2000 changed from Sea Pollution (Hazardous and Noxious Substances) (Civil Liability and Compensation) Bill 2000: Order for Report Stage.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I move: "That Report Stage be taken now."

Question put and agreed to.

Sea Pollution (Hazardous Substances) (Compensation) Bill 2000 changed from Sea Pollution (Hazardous and Noxious Substances) (Civil Liability and Compensation) Bill 2000: Report and Final Stages.

An Ceann Comhairle: Amendment No. 1 arises out of Committee proceedings. Amendments Nos. 2 and 3 are alternatives to amendment No. 1. Amendments Nos. 1 to 3, inclusive, may be taken together.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I move amendment No. 1:

In page 8, to delete lines 7 to 17.

Amendments Nos. 2 and 3 were tabled by Deputies Broughan and Perry on Committee Stage. I have given much consideration to the contributions made by the Deputies and amendment No. 1 in my name incorporates the intention of amendments Nos. 2 and 3. My amendment deletes the section which the Deputies favoured.

Mr. Broughan: I warmly welcome the Minister of State's decision to delete section 4 which would effectively have given the Minister the power to make regulations in regard to the operation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances By Sea 1996 done at London and the protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims 1976 and 1996 and to effectively amend the Oil Pollution of the Sea (Civil Liability and Compensation) Act.

On Committee Stage, Deputy Perry and I argued strongly that this section would effectively give the Minister the power to legislate without reference to this House. That is not the appropriate way to administer the country and the marine area. Deputy Perry's amendment went further than mine in regard to the section. I was

[Mr. Broughan.]

trying to reflect the recent Supreme Court decision in the Carrickmines case which seems to hold that modification of Acts of the Oireachtas by ministerial regulation is constitutionally dubious. The type of difficulties which arose in the Carrickmines case and in other cases could be avoided. I am glad the Minister of State has gone that extra mile. He said it was a standard provision but it is one which legislators would prefer not to be included in legislation because it has got us into serious trouble in other areas of legislation.

Five years after this Bill was introduced, I welcome the fact we have brought forward a tranche of legislation which transposes international conventions, including the Sea Pollution (Miscellaneous Provisions) Bill and the Maritime Security Bill. I commend the Minister of State and his predecessor on trying to protect our coastline. Perhaps we will have a chance to briefly refer to some of the outstanding issues the Opposition has repeatedly raised on Question Time before we finish Report and Final Stages. I welcome the Minister of State's decision to remove this section.

Mr. Perry: I concur with Deputy Broughan and congratulate the Minister of State on having the vision to table an amendment incorporating our amendments. It is commendable and, as Deputy Broughan said, is a major consideration of coastal communities and will have a huge impact on the livelihood of the sector. It is the role of the Opposition to debate such issues on Committee Stage and the fact the Minister of State had the backbone to table an amendment is acknowledged.

Mr. Eamon Ryan: I commend Deputies Perry and Broughan on tabling the amendments on Committee Stage and the Minister of State on accepting the argument made and deleting a section which, as Deputy Broughan clearly said, would have been in contravention of the recent Supreme Court decision. However, it raises questions about the nature of the legislative process in that a Bill drafted seven or eight years ago is only reaching Report Stage now.

That is a problem in that as constitutional arrangements change such sections become out of date, even though they have not yet been implemented. It raises questions about how we allow our business to be ordered such that it takes so long for a Bill to proceed from initial drafting to Report Stage. However, I welcome the Minister's amendment.

Amendment agreed to.

Amendments Nos. 2 and 3 not moved.

An Ceann Comhairle: Amendments Nos. 4 and 5 are consequential on amendment No. 6 and therefore amendments Nos. 4 to 6, inclusive, can be taken together.

Mr. Perry: I move amendment No. 4:

In page 8, line 29, after "*section*" to insert "9 or".

Section 4 deals with what is known as the Henry VIII provision. Article 15.2° of the Constitution provides that the sole and exclusive power of making laws is vested in the Oireachtas. To seek to confer a power on a Minister which would allow him or her to make regulations which would amend an Act is fundamentally wrong. The High Court decision in the Mulcreavy case and the LiuChangcase last year should have focused the minds of the Minister and his officials as to the danger of proceeding down the Henry VIII route. I ask the Minister of State to reconsider what he is proposing in this section. I would be surprised if he were to tell me that the Attorney General is in favour of it.

Mr. Broughan: The Deputy should speak on amendment No. 9, his main amendment.

Mr. Perry: The amendment dealing with bilge discharge?

Mr. Broughan: Yes.

Mr. Perry: The amendment proposes to insert the following:

"9. (1)—The owner, master, or crew member of a ship shall not cause or permit the discharge of a bilge containing oil, waste, noxious substances or any cargo without the consent of the Minister.

(2) When considering a request under *subsection (1)*, the Minister shall have regard to the welfare of the:

- (a) passengers;
- (b) crew;
- (c) ship;
- (d) sealife; and
- (e) the potential for pollution."

This amendment is intended to make specific provision to punish those who deliberately dump waste from the bilge of a ship into the ocean. The bilge is the receptacle that stores waste material from oil, diesel and so on and from which material is often leaked. If such a leak occurs the captain may decide to simply empty the contents of the bilge into the ocean. This happens rarely but with Ireland holding 12% of the total waters of the EU and our policing capability being somewhat restricted this could be an issue; indeed, it is an issue given that we have 12% of EU waters. International bilge discharge is an issue worldwide. The Minister of State gave a commitment in this regard on Committee Stage. He might agree to incorporate the proposed wording.

Mr. Broughan: A Ceann Comhairle—

An Ceann Comhairle: The Deputy has already spoken on this.

Mr. Broughan: No. We are dealing with amendment No. 9.

An Ceann Comhairle: We are dealing with amendment No. 4.

Mr. Broughan: Are we?

An Ceann Comhairle: The Deputy may proceed.

Mr. Broughan: I thought amendments Nos. 4 and 5 were consequent on—

An Ceann Comhairle: Amendments Nos. 4 to 6, inclusive are being taken together.

Mr. Broughan: I wish to address amendment No. 6. I commend Deputy Perry for tabling this amendment dealing with international bilge discharge. We are the most vulnerable of the EU member states to this form of pollution. The Minister of State said on Committee Stage that regarding the protocol, the fund and the international convention we have limited room for manoeuvre to amend these instruments. How many countries have yet to pass this legislation for it to become active? The attachment to the instrument indicates there are 12 countries. At what stage are we in that regard? In other words, will this legislation have an impact on the protection of our coastal area?

Regarding the important point Deputy Perry rightly made, since we have been trying to invigilate the Department Communications, Marine and Natural Resources we have been told repeatedly about the discussions at international level on the particularly sensitive sea areas, PSSAs. The Minister of State's predecessor, the then Minister of State, Deputy Browne, rightly highlighted Ireland's interest in proceeding with PSSAs at an early stage. I understood that most coastal nations of the EU were prepared to move on this matter in regard to the passage of single hulled ships through their waters, the monitoring of pollution and the imposing of a much stricter regime, including punishment, for masters and crews who disregard the ecosystem of the North Atlantic and the Irish Sea and adjoining seas. What is happening in this respect?

Since I was elected to the Dáil, the leader of the Green Party, Deputy Sargent, has been asking about the introduction of the foreshore Bill. We have had endless discussions on it and it was on the clár during the last Dáil. The Deputy, I and other Deputies asked about it occasionally. We were told a number of sessions ago that the foreshore Bill was being revamped and the introduction of a coastal protection and development type legislation was being examined. Such legislation would be important for the Minister of State's constituency, my constituency and many other constituencies.

Regarding the insertion of the section rightly proposed by Deputy Perry, are we any closer to

creating a better monitoring regime for the seas around our country, given that we have had many close calls? When we discussed the oil pollution Bill, one of the Minister of State's colleagues told us that 0.25% to 0.50% of oil production in the world ends up in the seas of the world. We had a number of close calls with ships like the *Princess Eva* and so on where our maritime protection agency, coastguard and, in the Minister of State's case, Donegal County Council did well to protect the country from a disaster. As Deputy Eamon Ryan rightly said, if it will be five years before this measure has an impact, does the exercise in which we are engaged not show the level of importance that the country sadly attaches to maritime affairs? We do not have a Minister at Cabinet with responsibility for this area, although I commend the Minister of State for actions he has taken. We do not take this issue seriously enough. In regard to marine pollution, is it not true that having regard to issues such as the particularly sensitive sea areas and the strict invigilation of our waters, we are still not taking this issue seriously enough? The Minister of State needs to take some dramatic action in this area over the next few years.

Mr. Gallagher: I will deal first with amendment No. 6 which is being taken with amendments Nos. 4 and 5. When requested by Deputy Perry on Committee Stage, I said I would examine this issue. However, I clarified at that time that I would examine it but I drew his attention to the fact that the necessary aspects of the 1981 Act are included in the Bill. Having received clarification and advice on this, I repeat that it would not be proper to insert sections of Acts into this Bill. The type of incidents to which Deputy Perry referred can be dealt with under the Sea Pollution Act 1991. This Bill deals with liability, compensation and insurance in regard to incidents of hazardous and noxious substances pollution. It does not deal with the pollution incident. The pollution incident is dealt with under the Sea Pollution Act 1991. There is protection in that respect. However, considering this Bill in the cold light of day I appreciate that it may appear that it does not cover that, but there is a link. I ask the Deputies to take this into consideration.

In regard to incorporating some of the provisions of the 1991 Act into this Bill as proposed by Deputy Perry, this is not necessary. In addition, the owners of vessels that carry hazardous and noxious substances are big shipping companies and should be aware of all the legislation applying to them. It is a matter for them to uphold the law and abide by the relevant legislation. Otherwise, they would be open to prosecution.

I accept what Deputy Broughan said. It is important for us to have the necessary legislation in place to protect our environment, including the marine environment. Deputy Ryan referred to the delay involved. The Bill was published in April 2000 and it has been meandering its way through the House since. Second Stage commenced in this House in February 2001. After the election in June 2002, it was restored to the Dáil

[Mr. Gallagher.]
Order Paper. Second Stage was passed in the Dáil in 2002. Committee Stage was taken in November 2004. On the presumption that the Bill will go through Report and Final Stages today, I will be anxious to introduce Second Stage in the Seanad as quickly as possible to ensure the Bill is enacted.

Mr. Broughan: Are we the last country?

Mr. Gallagher: Not necessarily. At least 12 states must express consent to be bound by the convention through ratification or accession. Incorporated in that must be four states, each with a registered fleet of at least 2 million units of gross tonnage. To put it in perspective, this is more than ten times the size of the Irish fleet. I doubt if we will make a contribution there, but we will make a contribution as far as the additional figures are concerned. I cannot give the Deputy a definite figure. It will be up to me to obtain the facts from the IMO. I will make the Deputies who are interested aware of the facts when I get them.

The regulation will not enter into force until 18 months after both criteria are met. Contributors in the states that have ratified or acceded to the convention must receive a minimum of 40 million tonnes of contributing cargo covered by the general account. If Ireland was the last country to have signed off, it would still take 18 months to put the regulation in place. I will be in touch with the IMO and I hope progress will be made.

Deputy Broughan referred to the foreshore Bill, which is being revamped. I would like to use it as a vehicle to introduce other aspects which may not have been included in the legislation. I draw the attention of the House to various legislation introduced over a number of years which are relevant to the marine environment. These include the Sea Pollution (Amendment) Act 1999, the Merchant Shipping (Salvage and Wreck) Act 1993, a number of EU regulations, which give effect to directives on facilities for ship generated waste and cargo residues, the EU vessel traffic monitoring and information system and the Sea Pollution (Miscellaneous) Bill 2003, which is before the Oireachtas. I hope I can move it on as quickly as possible.

The sensitive areas regulation will come into force on 1 July 2005 for single hull vessels carrying heavy fuel. They must report 24 hours in advance of entering the sensitive areas. I hope I have clarified the situation in regard to amendment No. 6. It is not weakening the legislation in any way. It stands alone in regard to the discharge of oil under the Sea Pollution Act 1991. This deals with liability and compensation in regard to incidents of hazardous waste.

Mr. Perry: I am disappointed because the Minister of State should examine the Sea Pollution Bill 1991. Perhaps he will clarify if there were any breaches of the legislation. We all hear about legislation being enacted, but if there are

breaches of the legislation, very often there are no prosecutions or follow-up. We are all aware of the aquaculture Bill. When it comes to hazardous waste and substance, given that the Bill goes back to 1996, and was introduced in 2000, one is talking about a process of approximately 15 years. There is a difficulty with pollution in coastal areas because the bilge from ships is being discharged into estuaries. It is regrettable that the Bill is being brought through the House in 2005. While the Minister of State said the substance of the Bill was covered in the Sea Pollution Bill 1991, have there been any irregularities or prosecutions during that 14 year period? Have there been difficulties in the past 14 years where there have been breaches of the regulations and no prosecutions? Perhaps Deputy Broughan will refer to the area of aquaculture development. There have been several breaches of the regulations in this area but there have been no prosecutions, penalties or fines. While debate has taken place in the Oireachtas, it is regrettable that there is no follow-up by way of penalties and fines for breaches of the regulations.

The substance of the Bill is needed, of which section 9 is the backbone.

Mr. Gallagher: I appreciate the sincere case made by Deputy Perry. If I thought for one moment that accepting the amendment would improve the Bill, I would have no hesitation in doing so. However, I am advised it is not necessary because we can draw clear water, to use the pun, between the Sea Pollution Act 1991 and the Bill we are debating. This Bill deals with compensation and liability while the Sea Pollution Act deals with pollution incidents. Over the last number of years, there were approximately 40 incidents of pollution, which were not possible to trace. There was one incident last year, which is currently being dealt with by the Garda. It is a matter for the Garda and the authorities to decide whether there will be a prosecution. Even if this Bill was in place, it would not make a difference. I appreciate the Deputy's sincerity in this regard but I am advised otherwise.

Mr. Perry: We are referring to compensation and liability, which is very important. Compensation is based on a charge. I would like to know if prosecutions were brought under the 1991 legislation. There have been several offenders but few or no prosecutions. We are talking about compensation but the Bill deals mainly with giving effect to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea 1996. This must be based on a charge of discharge of bilge containing oil waste and noxious substances. This type of sea pollution should be enshrined in the legislation. Compensation should be based on the fact that there has been a breach of the law. It is regrettable that the number of prosecutions in the State for such breaches has been abysmally low. That is the main issue.

Although compensation should be based on a charge, there has been inaction and an absence of policing. This is where the problem lies. I will press my amendment.

Acting Chairman (Mr. Stanton): Is the Minister of State accepting the amendment?

Mr. Gallagher: No. There is no necessity for cutting and pasting.

Acting Chairman: We have finished the debate on the amendment and must make a decision thereon.

Amendment put.

The Dáil divided: Tá, 51; Níl, 65.

Tá

Allen, Bernard.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
McCormack, Padraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.

McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Naughten, Denis.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairi.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.

Níl

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Harney, Mary.
Haughey, Seán.
Healy-Rae, Jackie.
Hector, Máire.

Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M.J.
Ó Cuív, Éamon.
Ó Feargháil, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Smith, Brendan.
Smith, Michael.
Wallace, Dan.
Wilkinson, Ollie.
Woods, Michael.

Tellers: Tá, Deputies Kehoe and Stagg; Níl, Deputies Kitt and Kelleher.

Amendment declared lost.

Amendments Nos. 5 and 6 not moved.

An Ceann Comhairle: Amendment No. 7 in the name of the Minister and Deputy Broughan arises out of Committee proceedings. I call on the Minister of State to move the amendment.

Mr. Gallagher: I move amendment No. 7:

In page 16, line 15, to delete “inspector,” and substitute “inspector”.

This is merely an amendment to correct a grammatical error in the text of the Bill.

Mr. Broughan: This amendment is intended to correct a grammatical error and I thank the Minister of State for accepting it.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 8 and 9 are related and will be taken together by agreement.

Mr. Broughan: I move amendment No. 8:

In page 16, line 15, after “who” to insert “reasonably”.

These small, technical amendments, which are interrelated, seek to change the conditions under which an inspector may invigilate and detain a ship. I put the argument forcibly on Committee Stage that to insert “reasonable” as opposed to “just” before “suspicion” in the legislation would better cover the convention whereby arrests are made. The amendments impose the same condition on the inspector because under Article 5 of the European Convention on Human Rights, there is a requirement that any arrests be grounded on “reasonable” suspicion as opposed to mere suspicion.

We also indicated on Committee Stage that there is a contradiction in the Bill between subsections 25(1) and 24(3). Under section 24(3) an inspector cannot exercise his functions on the basis of mere suspicion or even reasonable suspicion. He must have “reasonable grounds for believing that an offence has been committed” which is a much higher test than suspicion or reasonable suspicion. The lack of the adjective to describe the actions of an inspector in section 25(1) does not therefore make sense. It seems contradictory for mere suspicion to be a sufficient basis for arresting individuals and or ships under section 25(1).

The Minister for State made the point on Committee Stage that section 25 will come into play only after the suspicion in section 24 has been formed. That point explains the anomaly in part. However, the inspector who forms a suspicion under section 25 may be a different person from the person who forms the suspicion under section

24. The court which makes the order under section 25(1) needs to be satisfied that the suspicion is reasonable.

On those grounds, therefore, I seek to amend line 15 by referring to an inspector who “reasonably” suspects that an offence has been committed under sections 16 or 24. At the end of the subsection I seek to insert a phrase that will change the text to the effect that “if he or she is satisfied that the applicant inspector has reasonable grounds for such a suspicion as aforementioned”. It is an effort to tighten the framework of the legislation and to ensure the Legislature and legislation arm the inspector in cases that are prosecuted.

Mr. Gallagher: Deputy Broughan has partially answered the case for me. I have not changed my views since Committee Stage apart from seeking further advice. The advice available to me is that the addition of the words “reasonably” and “reasonable grounds for” are unnecessary. Section 24(3) provides that an inspector, which could be a member of the Garda, Defence Forces, harbour authorities or such person or class of person that I or any Minister for Communications, Marine and Natural Resources would consider appropriate to be inspectors for the purposes of this Act, may only detain a ship where he or she has reasonable grounds for believing an offence has been committed. By the time section 25 applies, the “reasonably” requirement will have been fulfilled.

The purpose of section 25 is to enable the court to make a determination in regard to the continued detention of the ship. Deputy Broughan is correct in saying that decision may be made by a person who was not an inspector. The application may be made by any inspector. It does not have to be made by the inspector who initially detained the ship. The advice available to me is that while that may be laudable it is not necessary as section 24 adequately covers this issue.

Mr. Broughan: I am aware of the reference in section 24 to the inspector having reasonable grounds for believing an offence has been committed. Section 25 introduces a further act consequent on section 24 which is the detention of the ship. To insert the same phrase in both sections would make the legislation stronger and would strengthen the hands of the inspector. I still believe the reasonable case we have made to insert those two adjectives should be adhered to.

In case I do not get another opportunity at the end of the debate and if the Acting Chairman will allow us given that we have taken a relatively short time in the House to process this legislation, I wish to refer to a couple of points he made earlier.

Acting Chairman: The Deputy will be able to contribute at the end if he wishes.

Mr. Broughan: If possible I would like to prosecute the amendments.

Mr. Perry: I support Deputy Broughan's amendment. The detention of ships is an important issue. Powers are being conferred on the authority, the inspectorate or whoever is policing this work. As the section is worded what is the definition of "suspects" and how is that assumption made? There has to be a certain caveat for suspecting that an offence has been committed. That the inspector must have an inclination that something is not right gives a certain discretion to the authorised officer. This is a big issue because of the level of trafficking into the ports of Ireland. Section 25(1) reads:

Where an inspector, in exercise of the powers conferred on him or her by this Act, detains a ship and the person on board the ship at a port or other place in the State, an inspector who suspects that an offence under *section 16 or 24* has been committed in relation to the ship ...

This is the core of the prosecution. The Minister should take the amendment tabled by Deputy Broughan on board. It is reasonable and gives more powers to the officer.

Mr. Gallagher: I regret that I cannot accept it.

Mr. Broughan: I thank Deputy Perry for his support. What we are seeking to avoid is when the inspector goes to the District Court that the legislation will not be found to have a lacuna that we should have anticipated from section 24. That was the concern of my legal adviser. He was anxious to ensure that section 25(1) was totally watertight.

Amendment put and declared lost.

Mr. Broughan: I move amendment No. 9:

In page 16, line 22, after "has" to insert "reasonable grounds for".

Amendment put and declared lost.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Mr. Broughan: The Minister raised a number of interesting issues. I commend the officials in the maritime safety division and the environment division of the Department for bringing forward the legislation. It is not their fault that the political administration failed to put this Bill through four or five years ago which is a remarkable amount of time. This happens all the time in the marine area as the Minister of State will have noticed. I hope in the next Government the

marine will have a full Department. The Department that we three Deputies try to invigilate on the Opposition benches is three Departments in most countries — communications and broadcasting, energy and marine. For the island nation *par excellence* of the European Union, it is incumbent on us to elevate the Minister of State to the Cabinet in the sense that the marine is such an important and critical area on which many depend directly or indirectly. We can sometimes forget we are an island people. It is good to cross the Irish Sea or go out on the western sea.

The Minister of State made some interesting points when he said the Bill is part of a series. It would be helpful if the marine safety division could provide briefing material for the three Opposition parties on a number of outstanding convention protocols for which we should be legislating, what legislation it is intended to bring forward and what stage this is at. We had an interesting debate here on the Bunker Convention for a couple of days on the whole area of pollution. It would be appreciated if we could be informed as to what stages these are at and if we could have a few pages of briefing material which would inform our questions on Question Time and so on.

In regard to foreshores, going back over two Dála, the Bill was called the Coastal Zone Management Bill. What is the timeframe for the Bill and will we see it this year or next year?

The statement by the Minister of State in regard to the operation of the particularly sensitive sea areas was welcome news. At long last the country, through the IMO, is taking a step. I hope that is an issue the Minister and the Department will mark publicly when in a couple of months those single hull tankers will have to inform us they are entering sensitive areas. The Sea Pollution (Hazardous Substances) (Compensation) Bill 2000, sets up the liability regime but the substantive issue is critical to the ecosystem of our island nation. We have been lethargic about this whole area. I hope the Minister of State regards it as part of his period on the bridge or of his watch, so to speak, to ensure that this Bill will be the means of providing a serious mentoring and development of maritime resources. I encourage the Minister of State to come forward on those issues and update the House on the situation. I thank him for accepting amendments on Committee and Report Stages and commend the Bill.

Mr. Eamon Ryan: I join Deputy Broughan in commending the Minister of State and his officials on bringing this legislation through. I add to his call for some review or clarification at a meeting of the joint committee. There has been a great deal of legislation in this area recently and perhaps it might have been possible to amalgamate some of those Bills.

I commend Deputy Broughan on his resilience and for agreeing with my deputy leader and me

1 o'clock

[Mr. Eamon Ryan.]

on the importance of a coastal zone management Bill. The Minister of State said he is considering a possible foreshore Bill to include new areas of responsibility. Some clarification would be useful in the debate on the subject. The fisheries management aspect is important given the difficulties with the European Commission and public controversy regarding breach of control procedures and quotas. New legislation is important to regulate and manage the fisheries quota system. I contend a certain amount of clarity is required as to the Government's position in the legislative process regarding the marine, such as the names of any new legislation. Many miscellaneous and different pieces of legislation have been passed in the marine area which makes it difficult to track and amend what has been proposed.

I commend the Minister of State and the previous Minister of State, Deputy Browne, on being willing to accept amendments. He has accepted a major Opposition amendment. Even a comma can make a difference in the High Court. I commend Deputies Broughan and Perry on their attention to detail in that regard.

Acting Chairman: Deputies must confine their comments to the content of the Bill.

Mr. Perry: I commend the Minister of State and his officials on their work on this Bill. The Minister has delegated responsibility for the marine to the Minister of State and he is doing a good job. Funding allocation from the Exchequer is required to implement change in the area of the marine. It is important that the provisions of this Bill are implemented and this will require the necessary funds.

In my limited time in this portfolio I have become aware that there is much regulation but scant regard for the law and dominant players in the aquaculture and maritime sectors can take advantage. I thank the Minister of State for accepting the amendment and agree with Deputy Broughan regarding the funding required for foreshore development and coastal zone management. These are important issues. The line Minister must endeavour to acquire the necessary increase in funding from the Exchequer which is critically required in every coastal community and maritime local authority to implement a policy in partnership with the Department.

Tight controls are required against the pollution of coastal areas. The coastal officers who will police these provisions must be given the necessary resources and facilities to ensure that Ireland will be a leader within the European Union on the implementation of the legislation.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I thank the Deputies for their

co-operation. There is a place for the Opposition and this has been proven both on Committee and Report Stages. If I find an amendment will strengthen the Bill, I am only too pleased to accept it. I thank the Opposition Deputies for their kind comments, not necessarily directed at me but at the officials who work on all Bills. The Taoiseach and the Government are aware of the importance of the marine sector as a sector providing employment in areas with no alternative source of employment and in recognition of which the Government has delegated to me all the functions relating to the marine. This is an indication of the Government's commitment and interest in this sector.

I appreciate it is difficult to be familiar with the legislation which enables and gives effect to internationally agreed instruments. I am happy to respond positively to the Deputies. I will make the information on existing legislation and on the various international conventions which must be approved available to the Deputies as soon as possible. I will examine whether that legislation can be used as a vehicle to incorporate other legislation. I will keep the House informed at all times.

Question put and agreed to.

Electoral (Amendment) Bill 2005: Order for Second Stage.

Bill entitled an Act to provide for the number of Members of Dáil Éireann and for the revision of constituencies, to amend the law relating to the election of such Members and to amend the Electoral Act 1997.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That Second Stage be taken now."

Question put and agreed to.

Electoral (Amendment) Bill 2005: Second Stage.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That the Bill be now read a Second Time."

The main purpose of this Bill is to implement the recommendations in the report of the independent constituency commission, published in January 2004, on revisions to the Dáil constituencies for the next general election. A copy of the report was given to each Member of the Oireachtas when it was presented to the Ceann Comhairle. At the outset, it may be helpful to outline the principal constitutional and legal requirements relating to the establishment and revision of Dáil constituencies and other relevant background to the Bill.

Article 16.2.3° of the Constitution provides that:

The ratio between the number of Members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as it is practicable, be the same throughout the country.

This provision was considered by the courts in two landmark cases in 1961, the High Court case of *John O'Donovan v. the Attorney General*, and the Supreme Court reference case relating to the Electoral (Amendment) Bill 1961. In neither of these cases did the courts quantify the precise degree of equality of representation that is required by the Constitution, although Mr. Justice Budd in the O'Donovan case appeared to suggest a departure of approximately 5% from strict mathematical parity would be acceptable.

Dealing with the question of equality of representation in the reference case, the Supreme Court stated it could not lay down a figure above or below which a variation from the national average population per Deputy is not permitted. The court stressed that the practical considerations which ought to be taken into account, and the weight that should be attached to them in departing from strict equality of representation, are primarily matters for the Oireachtas and should not be reviewed by the courts unless there is a "manifest infringement" of the relevant article of the Constitution. The court concluded the test to be applied is whether the failure to maintain the ratio between the number of Members for each constituency and the population of each constituency involves such a divergence as to make it clear the Oireachtas has not carried out the intention of the relevant constitutional provisions.

A referendum in 1968 to amend the Constitution to provide that the population per Deputy could not be greater or less than the national average by more than one sixth was defeated on the same day as a proposal to change the voting system. In each revision of constituencies between 1961 and 1974, the limit of 5%, referred to in the O'Donovan case, was adhered to. However, more substantial departures from mathematical equality of representation were provided for in the revisions carried out since 1974, based on the recommendations of independent commissions. The maximum departure since 1980 was 7.89% below the national average in the constituency of Mayo East in 1983. The proposed constituencies in the Bill are within this range.

Article 16.2.4° of the Constitution provides that, "The Oireachtas shall revise the constituencies at least once in every 12 years, with due regard to changes in distribution of the population". This, in effect, requires that constituencies be revised whenever population changes result in populations per Deputy in individual constituencies that are significantly out of line with national average representation. Therefore, section 5 of

the Electoral Act 1997 provides that, on publication of the relevant CSO report on a population census, the Minister for the Environment, Heritage and Local Government must set up a commission to report on Dáil and European constituencies. The membership of the commission is specified in the Act, together with its terms of reference, which are subordinate to the relevant constitutional provisions, and a requirement that the commission reports within six months of its establishment.

Article 16.2.2° of the Constitution provides that:

The number of Members shall from time to time be fixed by law, but the total number of Members of Dáil Éireann shall not be fixed at less than one Member for each 30,000 of the population, or at more than one Member for each 20,000 of the population.

Based on the population in 2002, this provision would allow for Dáil membership to be fixed within a range of 131 and 196 seats. However, the statutory terms of reference for constituency commissions provide that the total Dáil membership shall be not less than 164 and not more than 168 members. In accordance with the reports of successive commissions, the total Dáil membership has been fixed at 166 since 1980.

Finally, Article 16.2.6° provides that, "No law shall be enacted whereby the number of Members to be returned for any constituency shall be less than three." The statutory terms of reference of a commission provide that constituencies must be represented by three, four or five members. This is the background against which the provisions are introduced. I have outlined the historical background because it is important that we remind ourselves occasionally how we have reached the current position in terms of constituencies and Dáil membership.

As Members are aware, for more than half a century after the founding of the State, changes in constituencies were formulated and advanced by the Government of the day. This process has occasionally been the subject of criticism from across the political spectrum, especially from those parties in Opposition, including my own, when such changes were made. The first constituency commission was set up in 1977 to report on constituencies for the first direct elections to the European Parliament in 1979. The first Dáil constituency commission was established in 1980 on a non-statutory basis and such commissions continued to report on constituency revisions until the enactment of the Electoral Act 1997. The commission that reported in January 2004 is the second statutory commission established under the Act.

Volume 1 of the 2002 census reports was published in July 2003. This showed an increase in total population from 1996 of over 291,000, giving

[Mr. Roche.]

a total 2002 population in the State of 3,917,203. Thus, each of the 166 Deputies represented an average of 23,598 persons in 2002. The detailed population figures for each constituency showed there were serious variances from the national average population per Deputy in many constituencies. In 22 constituencies there were variances from national average representation in excess of 5% and 13 had deviations in excess of 8%. The most under-represented constituencies were Kildare North and Dublin West with variances of +20.73% and +16.43% respectively. The most over-represented constituencies were Dublin North-West and Sligo-Leitrim with variances of -11.89% and -11.01% respectively. Significant changes are therefore necessary in some areas to secure equality of representation between constituencies based on the 2002 census and to comply with the constitutional norms.

In accordance with section 5 of the 1997 Act, a constituency commission was set up in July 2003, chaired by Mr Justice Vivian Lavan. The other members of the commission were Mr. Kieran Coughlan, Clerk of the Dáil, Ms Deirdre Lane, Clerk of the Seanad, Mr. Niall Callan, Secretary General of the Department of the Environment, Heritage and Local Government, and Ms Emily O'Reilly, the Ombudsman. I take this opportunity to thank the commission members for the conscientious and impartial manner in which they carried out their work. I particularly compliment Mr. Justice Lavan on the clarity of his presentation.

Section 6 of the 1997 Act provides that a constituency commission shall, in observing the relevant provisions of the Constitution, have regard to a number of principles. The total number of members of the Dáil shall be not less than 164 and not more than 168. Each constituency shall return three, four or five members. The breaching of county boundaries shall be avoided as far as practicable. However, this restriction does not extend to city boundaries or to the administrative county boundaries in Dublin. Each constituency shall be composed of contiguous areas. There shall be regard to geographical considerations, including significant physical features and the extent and density of population in each constituency. Finally, subject to those provisions, the commission shall endeavour to maintain continuity in the arrangement of constituencies. The constituency commission approaches its task with a clearly established remit.

The constituency commission presented its report on European Parliament constituencies in September 2003. Its recommendations were enacted in the European Parliament Elections (Amendment) Act 2004 and were applied at the European elections in June 2004. The main features of the commission's January 2004 report on Dáil constituencies are as follows. First, there

should be no change in the existing level of Dáil membership of 166 seats. Second, there will be a net increase of one in the number of constituencies, from 42 to 43. Third, there will be an extra seat in the Kildare North constituency, expanding to a four-seater constituency, and in County Meath, where two three-seaters will be established. As Deputies well know, given our recent adventures in that county—

Mr. Broughan: Will there be a few more left seats there?

Mr. Roche: There is currently one five-seat constituency for that county.

Fourth, there will be a reduction of one seat in the constituency of Cork North-Central, reducing to four seats, as well as across counties Sligo, Leitrim, Roscommon and Longford combined. There will be a new constituency configuration in the north Connacht-north Leinster area, with new three-seaters named Sligo-North Leitrim and Roscommon-South Leitrim, and a new four-seater named Longford-Westmeath. That new formation brings to an end the breach of a provincial boundary inherent in the existing Longford-Roscommon constituency, but it involves breaching the boundaries of counties Leitrim and Westmeath. I well understand the concerns that have been expressed on the matter by public representatives from all sides.

In Dublin, the existing profile of 47 seats spread over 12 constituencies is retained, but in a new configuration of three five-seat constituencies, five four-seaters and four three-seaters. The new arrangement transfers a population of almost 31,000 in major boundary adjustments, affecting six constituencies, with minor adjustments affecting four others. The main changes recommended in Dublin are as follows. First, there is to be an extra seat in Dublin Mid-West, currently a three-seat constituency, with the addition from Dublin West of about 12,000 people in the Palmerstown area. Second, there will be a reduction of one seat in Dublin North-Central, currently a four-seater, with the transfer of almost 11,000 people in the Edenmore and Beaumont-Whitehall areas to Dublin North-East and Dublin North-West constituencies respectively. Third, there will be a transfer from Dublin North to Dublin West of almost 4,000 people in the St. Margaret's-Kilsallaghan area to the west of Dublin Airport. Fourth, there will be a transfer from Dublin West to Dublin North-West of about 1,100 in the Dunsink-Cappagh area. Fifth, there will be a transfer from Dublin Central to Dublin South-Central of almost 1,000 people in Islandbridge. Finally, there is to be a transfer from Dublin South to Dublin South-West of almost 2,000 people in the Firhouse area to the west of the M50.

The constituency commission's terms of reference include the avoidance of breaches of county

boundaries as far as practicable. The commission's recommendations have on occasion been criticised for not keeping to county, or indeed provincial, boundaries. Although attachment to such boundaries is understandable and is part and parcel of the way we are in this country, the terms of reference of commissions are subordinate to the relevant constitutional provisions, which do not refer to counties or provinces. There is no such mention in the relevant judgments and adjudications mentioned. The High Court judgment of Mr. Justice Budd in the O'Donovan case is most frequently cited. It stated:

although a system in the main based on counties has in fact been adopted, there is nothing in the Constitution about constituencies being based on counties. The Constitution does not say that in forming the constituencies according to the required ratio, that shall be done so far as is practicable having regard to county boundaries.

In other words, there is silence on the county boundaries issue.

The Government has accepted the commission's recommendations as a single package of related measures bringing Dáil constituencies into line with the prevailing population patterns, in accordance with constitutional imperatives and the associated legal requirements. We can all recognise that it might have been possible for the commission to suggest solutions other than those recommended in its report. However, the commission took account of the nearly 100 submissions made to it in formulating its recommendations, and its independent determination of the issues should now be respected. By cherry picking individual recommendations, we would undermine the reasons for establishing an independent commission in the first place. It is the Government's firm view that the precedent of adhering to the commission's advice should not be broken. Consequently, I must advise the House that I cannot foresee circumstances where I will be accepting amendments to the Bill that change the constituency formation recommended by the commission.

To facilitate Members of the House in familiarising themselves with the changes to individual constituencies, I am arranging for Ordnance Survey Ireland to produce maps of each constituency for circulation to Deputies. Members of the House should have those shortly.

Mr. O'Dowd: Will they be in colour?

Mr. Roche: They will be in full colour.

Mr. O'Dowd: The Minister could put his photographs in them.

Mr. Roche: I will do my best to ensure that Deputy Broughan has a detailed canvas map, as I am aware that there are detailed changes to be made in his area. I will do my best to be accommodating to members in that regard.

I will outline the main provisions of the Bill. Section 2 provides that the number of Members of Dáil Éireann after the next dissolution will be 166. As I have said, that is the same number as at present, and it is the number recommended by the commission. Sections 3 and 4 provide that, after the next dissolution, the Members of Dáil Éireann will represent the 43 constituencies specified in the Schedule, as recommended by the commission. This represents a net increase of one in the number of constituencies compared with the existing constituency formation, which remains in force for the purpose of any by-elections up to the time of the next dissolution of the Dáil. Section 5 provides for the repeal of the Electoral (Amendment) (No. 2) Act 1998, which specifies the existing Dáil constituencies. The repeal will come into operation on the next dissolution of the Dáil.

The schedule contains the formal definition of the 43 constituencies, the main details of which I have already set out. In summary, it provides for the creation of five new constituencies, the replacement of four existing constituencies, changes to 23 constituencies and the retention of 15 existing constituencies. Overall, 12 five-seat constituencies, 13 four-seat constituencies and 18 three-seat constituencies are proposed.

I should deal with section 6 in some detail. I know from my conversations with Deputy O'Dowd that the section has caused some concerns. Section 6 addresses a technical issue that has been raised by the Standards in Public Office Commission in relation to the definition of election expenses for the purposes of the Electoral Act 1997. Paragraph 2 of the schedule to that Act sets out certain items that are not to be regarded as election expenses for the purposes of the Act. Following the High Court and Supreme Court decisions on the Desmond Kelly case in 2002, section 33 of the Electoral (Amendment) Act 2004 deleted from paragraph 2 of the schedule to the 1997 Act the reference to services, facilities and so on provided out of public funds. The effect of that deletion is that, in accordance with the courts' rulings, such services are now reckonable for the purpose of making statements of election expenses to the Standards in Public Office Commission. However, that section 33 deletion was inadvertently drafted to remove a number of other items, which had not been at issue in the court cases, from paragraph 2 of the Schedule to the 1997 Act. These items are as follows. The first and most important is the *litir um thoghchán* service, the so-called free postage for candidates.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Decentralisation Programme.

42. **Mr. Bruton** asked the Minister for Finance if he has sought to introduce a policy that only civil servants prepared to decentralise may avail of promotion opportunities; the implications of this policy on the career path of civil servants who wish to remain in Dublin; and if he will make a statement on the matter. [13650/05]

Minister for Finance (Mr. Cowen): As I outlined in answers to similar questions on 3 March 2005, promotion and recruitment are key elements of the Government's decentralisation programme and I refer Deputies to my earlier reply which set out the general position on this matter.

In keeping with the recommendations of the decentralisation implementation group, recruitment and promotion practices and procedures must be revised. This is being carried out in accordance with the following four principles: decentralising Departments, offices and business units must be able to build up sufficient numbers of trained staff to work in the new locations with minimum disruption to service levels; staff opting to remain in Dublin must be redeployed as quickly and efficiently as possible; the morale of staff must be supported by maintaining appropriate promotional opportunities in Dublin; and the procedures adopted must allow departmental management to discharge the core business functions of the organisation and maintain service levels.

The key point is that where a promotion arises for a post which is being decentralised as part of the decentralisation programme, it is entirely reasonable for the employing Department to ask staff accepting that promotion to agree to move with the post. Changing promotion procedures in this way does not interfere with the voluntary nature of the decentralisation programme. The Government has made clear on a number of occasions that participation in the programme is voluntary and no one is being forced to decentralise.

Discussions are continuing between management and the Civil Service unions with the aim of agreeing new promotion and recruitment mechanisms to support implementation of the programme. It would not be appropriate for me to comment in detail on these discussions.

The Government wants to reach a reasonable agreement on these issues with staff unions,

namely, an agreement which supports the early and efficient implementation of the programme while at the same time taking account of the legitimate desires of staff remaining in Dublin to maintain appropriate opportunities for promotion.

Mr. Bruton: I wish to probe the matter further. There are approximately 17 locations in the first phase the Minister published if one ignores those reverse commuting from Dublin. A tiny proportion of Dublin-based employees have opted to move in the majority of the 17 cases. With regard to the four State agencies, only 2%, 4% and 8% have applied. Less than a quarter of public servants based in Dublin are opting for positions. Is the Minister telling those based in Dublin that their opportunities for promotion are now entirely closed off because of the selection made? How does that tally with the concept of a voluntary programme? People can exercise their right not to move but their career path will grind to a halt if they do so.

Mr. Cowen: I outlined the position in my first reply. We are committed to implementing the decentralisation programme but recognise the range of concerns among staff members affected by the programme, namely, those who have already chosen to spend their careers working in provincial locations, those who wish to do so in the future and those who wish to remain in Dublin. We are working to reach an agreement through negotiation in partnership with staff interests which seeks to strike a reasonable balance between these very genuine interests while ensuring the programme is moved forward and, most importantly, that there is no reduction in the high standards of service that the public have a right to expect from the Civil Service.

I am confident that it will be possible to reach agreement on the basis of reasonable compromise and that it will not be necessary to impose a solution. Imposed solutions, by their nature, are measures of last resort and rarely as effective as agreements reached on the basis of goodwill and fair compromise between parties. However, it would be an abdication of the Government's responsibility for us to rule out thinking of what might happen should the talks fail. Given the strong spirit of partnership and public service that has characterised Civil Service industrial relations, I am sure an agreed resolution will be found in the near future. I am confident that, on the basis of our present discussions, we can reach a solution that is acceptable to all.

Mr. Bruton: Has the Minister indicated to his Cabinet colleagues and others that he will impose a solution and close off all promotional opportunities to Dublin-based staff? Has he indicated that he is considering such a threat? What will happen in situations where there is less than 25%

take-up from Dublin-based staff? Will he consider imposing a solution? No one in these grades wants to move from Dublin to the selected locations so he will close off their careers and tell them they have no future career advancement. Is that what he is saying, and is it in accordance with natural justice and fair procedure?

Mr. Cowen: That is not what I am saying and I have given two replies to the contrary.

Mr. Bruton: The Minister has said that he will do this.

Mr. Cowen: I have not. I said that imposed solutions, by their nature, are measures of last resort and are rarely as effective as agreements reached on the basis of goodwill and compromise.

Mr. Bruton: He has published comments stating that he will impose solutions.

Mr. Cowen: I am not responsible for what is printed in the media, which is where the Deputy gets his information. I am stating the facts. Discussions are ongoing and there is a good partnership relationship with Civil Service industrial relations. These discussions are continuing and I am confident we can reach a negotiated solution.

Mr. Bruton: Therefore, the Minister is not saying that if one messes with him one will not win, unlike what his fellow Minister said.

Mr. Cowen: I am here to answer questions about what I am doing. I am continuing discussions with the Civil Service unions and am confident we can find the basis of a resolution through negotiation. Anything the Deputy says to the contrary does not represent a factual position.

Tax Code.

43. **Ms Burton** asked the Minister for Finance the situation in respect of PAYE and PRSI contributions for workers brought here from a non-European country for the purpose of employment in the construction industry; if there is a mutual taxation agreement between Ireland and Turkey; if he intends to review these arrangements in view of reports concerning a company (details supplied); and if he will make a statement on the matter. [13465/05]

Mr. Cowen: Taxpayer confidentiality requires that a Minister for Finance does not answer a parliamentary question about the tax affairs of an individual or company, other than when the Deputy is asking the question on behalf of the individual or company. I regret I cannot comment on the tax affairs of any taxpayer.

However, by way of general comment, the Revenue Commissioners inform me that the question of whether the deduction of tax under

the PAYE system applies to emoluments paid to workers brought to Ireland from a non-European country for the purpose of employment in the construction industry, or any industry, depends on the facts and circumstances prevailing in any specific case. For example, the emoluments payable to an individual working here under an Irish contract of employment are subject to deductions of tax at source under the PAYE system. Where the foreign employing company has a subsidiary company in Ireland, emoluments paid by that Irish subsidiary to individuals working here are also subject to deduction of tax under the PAYE system.

On the other hand, an employee working here under a foreign contract of employment and who is paid outside of Ireland by that foreign employer does not pay tax here under the PAYE system but rather is personally responsible for payment of Irish tax under the self-assessment system on his or her salary.

Individuals resident here who are not Irish domiciled can avail of a long standing statutory tax relief, more commonly known as the "remittance basis", against their foreign source income including employment income.

In brief, individuals resident here who may avail of the "remittance basis" relief pay tax here on the full amount of their Irish and UK source income and on that amount of their non-Irish and non-UK source income, including employment income, brought into the State.

Ireland normally includes a specific provision in its double taxation agreements dealing with the remittance basis of taxation in Ireland. It provides that where an individual is subject to tax in Ireland by reference to the amount of income or gain remitted rather than the full amount, any exemption or relief required to be granted in the other country under the double taxation agreement will apply only to the income or gains remitted to or received in Ireland. This is aimed at avoiding a situation where the income or gains are not taxed in either country. There is no double taxation agreement between Ireland and Turkey. However, negotiations are ongoing to conclude such a treaty but it is not possible at this stage to state when these negotiations will be finalised.

Issues relating to PRSI are a matter for the Minister for Social and Family Affairs. However, my understanding is that exemption from payment of social insurance employment contributions, for a period not exceeding 52 weeks, can be granted in respect of the temporary employment of persons who are not ordinarily resident in the State. Such exemptions are subject to the employee in question having a valid work permit and confirmation by the employer that social insurance contributions are paid in the employee's home country. Employees granted exemptions have no entitlement to social insurance benefits in this country during the

[Mr. Cowen.]

period of the exemption. Should an employee continue to work here after the period of the exemption, PRSI contributions are payable in the normal manner through the revenue system.

Ms Burton: Is the Minister not concerned that of 1,900 exemptions issued since 2003 in respect of foreign workers in Ireland in the circumstances described by the Minister, 1,400 were issued to Gama, the Turkish construction company at the centre of controversy? Is the Minister not concerned that these 1,400 exemptions were issued on foot of permits and that they offer a complete exemption from PRSI, which represents approximately 20% of labour costs? They also offer a parallel exemption as outlined by the Minister in his reply from tax on a PAYE basis. This means that Gama is at an immediate labour cost advantage over other employers, including Irish companies, of at least 25%. Given the value of the public sector contracts availed of by this company, it has achieved an advantage of at least €5 million and perhaps up to €15 million. This is not only a scandal but also a scam and a fraud on the taxpayer.

Is the Minister not concerned that this is a back door way, presumably found by those clever accountants and lawyers employed by Gama, to undermine the PRSI system and, in parallel, the PAYE system? Were these arrangements originated by the Department of Enterprise, Trade and Employment? Were the Revenue Commissioners, who are responsible for collecting PRSI and PAYE tax from employers, aware of the special exemptions for this company? Will the Minister order the Revenue Commissioners to carry out as soon as possible an investigation into this undermining of the PRSI and PAYE structures? We have enough tax scams without the need to create more.

Mr. Cowen: The remittance basis is one of the oldest reliefs found in tax law and obviously has a wider application than the specific case raised by the Deputy. Questions regarding employment law etc. are matters best directed to the Minister for Enterprise, Trade and Employment who can give a detailed reply and has already done so through the parliamentary question system since the matter first came into the public domain.

Regarding the views of the Revenue Commissioners and any lessons to be learnt from this case, obviously the Revenue Commissioners will examine the labour inspectorate report on the Gama employees working in the State. As soon as they consider the matter in the context of their own investigations, I am sure they will take whatever steps they deem necessary and advise me accordingly. As matters stand, we await that.

Ms Burton: Will the Minister order an inquiry? I understand that neither the Department of

Social and Family Affairs nor the Revenue Commissioners has been aware of the way in which this exemption from PRSI and PAYE tax has been operated for the benefit of this company. It gives a multi-million euro advantage to this company which is not enjoyed by Irish employers operating in the system and treating their workers decently. I want the Minister to undertake to have an inquiry carried out into what is essentially another part of the Gama scam in which its workers have been treated exceptionally badly by the employer. Not only has it been ripping off the workers, it has also been ripping us off as taxpayers.

An Leas-Cheann Comhairle: The time allocated to this question has been exceeded. We must proceed to the next question.

Ms Burton: It is getting public contracts at full prices and making a joke of the social protection and tax systems.

An Leas-Cheann Comhairle: We must proceed to Question No. 44.

Ms Burton: Is the Minister not concerned?

Mr. Cowen: Obviously everybody is concerned at what they have learnt about this matter since the latest issues were brought to our attention earlier this year. The Minister for Enterprise, Trade and Employment responded immediately with the labour inspectorate report which is now the subject of High Court proceedings as the Deputy will be aware. As soon as the Revenue Commissioners have an opportunity to examine the matter, I am sure they will make whatever recommendations they feel are necessary and we can take the matter from there. Until that examination takes place and we have received that advice, I am not in a position to say or do anything more than state the present position and recognise that this is an ongoing matter.

Revenue Investigations.

44. **Mr. Connolly** asked the Minister for Finance if the practices of life insurance companies will be subjected to the same degree of investigation by the Revenue Commissioners as the policyholders who are being targeted; and if he will make a statement on the matter. [13468/05]

Mr. Cowen: I am advised by the Revenue Commissioners that the current focus of their investigation is into undisclosed taxable sums invested in life assurance products and, in the first phase, to encourage as many taxpayers as possible to avail of the voluntary disclosure scheme which was announced on 11 April 2005. Following the voluntary phase of the investigation, Revenue will take steps to identify those who do not come forward and will actively pursue those who have

outstanding liabilities. While the focus of this disclosure scheme is on individual taxpayers, if any evidence emerges that suggests that life assurance companies had any role in encouraging tax evasion, the issue will be fully investigated.

Mr. Connolly: Regarding what is referred to as “hot money”, does the Minister agree that the life assurance companies should be targeted to a greater degree than the policyholders? Does he agree that the corporate executives who designed the insurance scams should be examined and made to answer to the Revenue? It was an industry-wide product which was not dreamt up by one company. The financial institutions believed they were above the law in trying to get people to hide money. Why should we pursue the policyholder? Is it not the service provider which should be pursued? The consumer and policyholder could be seen as a soft touch in that they are easy to identify. It is important to point out that the Sale of Goods and Supply of Services Act 1980 existed at the time and was not used by the Revenue to target the providers of such services.

Does the Minister agree that we are targeting the wrong people? The companies are in breach of regulation and we should pursue them. They colluded in this activity. Does the Minister agree that the State has a responsibility to ensure that natural justice applies in this case, which means going after the companies that designed these plans? Does the Minister agree that commission-based agents were tasked to trawl communities and target hot money?

Mr. Cowen: In the Finance Act 2005 we widened the Revenue powers regarding aiding and abetting offences which seeks to deal with the situation the Deputy has outlined should there be a requirement to do so. Rather than the assertions made by the Deputy, should evidence be found to that effect, the Revenue Commissioners now have powers which they previously lacked to deal with those matters. The Government has proactively made decisions on the matter. The Revenue Commissioners advise me that authorised Revenue officers are empowered to make an application to a judge of the High Court seeking an order requiring insurance companies to supply names, addresses and other relevant information concerning policy holders who used life assurance products to hide funds that should have been disclosed for tax purposes. If the funds were related to taxable income that should have been disclosed, the individual taxpayer was responsible for the disclosure and it is an offence under our tax law not to disclose. It has come to Revenue’s attention that there is sufficient *de facto* evidence to suggest that these products were used to evade tax. I also emphasise the need for people to avail of the voluntary disclosure scheme. This was introduced by Revenue to enable those who vol-

untarily disclose their position to avoid an imposition of penalties and interest in addition to whatever liability may be due. As I have already stated, the focus of the Revenue Commissioner’s investigation is on individuals who used insurance products to evade tax. There is no evidence that insurance companies engaged in tax evasion.

Mr. Connolly: Does the Minister agree that when reputable companies put a product on sale, the ordinary consumer will think the product is all right? In most cases, a consumer will not think he or she is avoiding tax because his or her agent states that this is how the system works, this is how one invests money and if one wishes, this is how one avoids being caught. It sounds as though these companies will get off scot free, whereas the Revenue should have tackled them 20 years ago.

Mr. F. McGrath: Hear, hear.

Mr. Cowen: This matter has only come to Revenue’s attention in recent times.

Mr. Connolly: It has been happening for 20 years.

Mr. Cowen: The Revenue Commissioners have very successfully dealt with some legacy issues going back many years encompassing a sum of almost €1.7 billion. This particular issue has now come to their attention. I again emphasise that individual taxpayers are personally responsible. If one has undisclosed taxable income, one is personally responsible for it. I have also pointed out that unlike previously, we have broadened the ambit of the Revenue Commissioners’ powers to ensure that anyone who aided and abetted individuals to engage in tax evasion practices will be subject to prosecution.

In the past, the Revenue Commissioners found it difficult to prosecute because of the interpretation of their legal powers. As a result of enactments in this year’s Finance Act, the Revenue Commissioners now have the necessary powers to follow up on these issues in a way that was not previously possible as far as both individuals and — should evidence emerge — the companies are concerned. I emphasise that at present, no such evidence is available to the Revenue Commissioners.

Mr. Connolly: The Minister is asking the companies who devised the scam——

An Leas-Cheann Comhairle: The Deputy should be very brief.

Mr. Connolly: ——to now sell those individuals back to the tax authorities. The Minister is targeting sitting ducks. He is asking companies who devised the scam——

Mr. Cowen: One person's sitting duck is another person's tax evader.

Mr. Connolly: The companies devised the scams.

Mr. Cowen: The Deputy can have the answer, unless he wants to continue talking.

Mr. Connolly: I would like to understand the answer.

Mr. F. McGrath: The Minister is doing a great deal of talking.

An Leas-Cheann Comhairle: Order, please.

Mr. Cowen: The Revenue Commissioners advise me that in line with best practice elsewhere, they increasingly apply a risk focus to their operational activities. In this instance, their research indicates that the tax risk is largely related to the higher value policies. As a result, their initial focus is on investments which in aggregate exceed €20,000. The people who had small amounts to whom the Deputy referred will not be the focus of this investigation, at least in the first instance.

Budgetary Procedures.

45. **Mr. P. McGrath** asked the Minister for Finance his proposals for better budgetary procedures; and the proposed involvement of the Oireachtas in shaping these procedures. [13651/05]

Mr. Cowen: I am currently examining proposals for change that could be implemented in the short and medium term. Any changes to current practices would need to meet best practice, improve both the quality of debate and the data available to the House on the budget, meet our obligations to the EU and be capable of being delivered within the existing budget timetable. I will discuss the possibilities for change with my colleagues in the Government shortly. Subsequently, I will bring proposals the House will then have an opportunity to discuss.

Mr. P. McGrath: I am disappointed the Minister is reluctant to put his proposals on the record. It is amazing that only last week, when appearing before the Oireachtas Select Committee on Finance and the Public Service, the Taoiseach was prepared to discuss the issue quite openly. He indicated that sweeping changes were being brought forward. I am now amazed to hear the Minister state that the Cabinet has not even discussed them yet. It is strange that the Taoiseach has not discussed it with the Minister. The Taoiseach indicated that when the estimates are published in mid-November, information on the activities relating to the various programmes

will accompany them. Does the Minister agree? Will he confirm that that will be the case? Will there be information pertaining to key performance indicators? Will there be indicators relating to targets for any new spending? If new tax concessions are introduced, will information pertaining to ongoing costs be available, such as what they are expected to be? Will performance indicators also be attached to these estimates? Can the Minister confirm that he will be required to stand over the expected expenditure for new programmes? I raise this point because we have seen some awful errors in the past. For example, the announcement regarding medical cards cost multiples of the then Minister's projections. I understand that it was five times the actual estimated cost. As far as the pre-1953 PRSI contributions are concerned, the multiple was something like 12 times the estimated costs the Minister of the day announced.

Will there be some way of making the Minister responsible to the House for such errors? Will the Minister elaborate on the consultation that will take place with the Houses regarding any proposed changes in terms of budgetary discussions and similar matters? Will he discuss all of his new plans with the House before they are introduced and implemented?

Mr. Cowen: As things stand, these matters are part of the deliberative process. The Government must approve them before I can discuss them with anyone else. This is the reason I am not in a position to go into any great detail. The Government is considering a number of options. As I indicated on budget day, there is room for improvement to the process of budget policy formation. We need a constructive debate on the procedures in place and how these can be enhanced. I hope the House will discuss the issues in a useful and productive manner. In the past, the Government produced meaningful changes. For example, the capital envelopes facility my predecessor introduced in the budget of 2004 encourages a more structured planning approach and therefore greater value for money with regard to infrastructural projects. I welcome debate on changes to the budget process. However, it will be important to implement changes that strengthen the process rather than weaken it through lack of effective implementation. We must also take into account reforms to the Stability and Growth Pact, which have been agreed recently as the Deputy is aware.

I cannot go into great detail, but as I stated with genuine and sincere sentiment in the budget speech, I would like to see more effective participation by the Oireachtas regarding the available documentation and how we might go about proceeding, rather than Members feeling that the process is done and dusted before they get up to speak about it. I have heard some resonances

from the Fine Gael document. The Deputy will forgive me if, not being a member of his party, I do not accept every single dot and comma of his colleagues' proposals. They are a good contribution to the debate and I am sure when I bring forward some ideas, they can be discussed. I would like to see a productive and constructive debate rather than just a points-scoring exercise.

Mr. P. McGrath: If the Minister is anxious to send in an application form to join the party, we will consider it in due course. We might find a vacancy for him at some stage.

Mr. Cowen: I must protest in the strongest possible terms. This is an outrageous slander on my character.

Mr. P. McGrath: The Minister should send in the form in triplicate. Can he give an indication on a time frame as to when he might bring these proposals forward? Is it likely that we will be able to have a discussion in committee or is it likely to be in the House? Will it require additional legislation to implement? Does the Minister consider it strange that the Taoiseach appeared able to openly discuss this at the Oireachtas Select Committee on Finance and the Public Service while the Minister is so reluctant to release any of the gems contained in his plans?

Mr. Cowen: During his career, Deputy Paul McGrath may discover that there are certain privileges and discretions which a Taoiseach enjoys but which a Minister does not.

My proposals simply aim to improve, in practical terms, participation in or contributions to the budgetary process by other Members. No Minister for Finance would transfer control of the budgetary process to an Opposition, even one that would claim to be as enlightened as the current Opposition. There will be some practical ideas that we can take forward in the medium term with a view to introducing more long-term reforms following more detailed consideration. A debate should take place and I would like it to be more productive because no Member is in permanent control of his or her seat at any given time.

Tax Collection.

46. **Ms Burton** asked the Minister for Finance his views on the recent report from the Revenue Commissioners on the effective tax rates of the top 400 earners for the tax year 2001; his further views on whether it is appropriate that such high earners should be able to minimise and in some cases eliminate tax liability; the steps he is taking to address this situation; and if he will make a statement on the matter. [13466/05]

Mr. Cowen: The recent Revenue Commissioners' report on the effective tax rates of the top 400 earners, which covers the short tax year

2001, indicates that between the years 1999-2000 and 2001, the number of high earning taxpayers with an effective tax rate of less than 15% decreased by 3.75%, while those with an effective tax rate between 15% and 29% increased by 3.25%.

This upward movement in effective rates indicates that measures such as the capping of capital allowances available to passive investors continued to take hold. The increase in effective rates took place despite the 4% reduction in the standard and top income tax rates, from 24% to 20% and from 46% to 42%, respectively, during that period.

Despite the increase in the effective tax rate for many high earners, some continued to reduce their tax bill to zero. This, however, is not a new phenomenon as all of the previous tax years examined by the Revenue Commissioners, starting with the tax year 1993-94, indicated that a number of individuals had recorded a zero rate.

As the Deputy will be aware, in budget 2005, I announced that my Department, in conjunction with the Revenue Commissioners, would this year undertake a detailed review of certain tax incentive schemes and tax exemptions. This review is under way and the information contained in the latest report of the Revenue Commissioners will provide a valuable input to that important policy review. Until the review is complete and I have considered the matter, I do not propose to make any comment on what steps I may take in this area.

Ms Burton: Is the Minister aware that the study highlights the fact that the top 115 earners each received an average of €500,000 in tax breaks per year? I am not sure if the Minister gambles but that figure is equivalent to a small national lottery win — guaranteed and risk-free, if one uses certain tax breaks. The statistics show that 29 of the country's top 400 earners in the country paid no tax. The Minister will recall stating in a previous reply that 41 people, single and married, with incomes of over €500,000 per year paid no tax.

When will the free ride for these people will end? Does the Minister propose to merely postpone taking action? The Taoiseach, in particular, and the Tanáiste have both stated that they find it morally unacceptable — they may also find it economically unacceptable — that certain individuals who earn extraordinary amounts of money can avoid paying tax. Most of the people to whom I refer avoid paying tax by availing of the property-based tax breaks introduced by the Minister's predecessor.

Why, in respect of the study, did the Minister propose to abolish the provision of information regarding individuals who do not pay tax in the future? The response of the Government to the embarrassment caused by those on high incomes who pay no tax is to quarantine the information.

[Ms Burton.]

The study proposes a new methodology where there will be no class of people recorded as paying zero tax. The information in the future will refer only to those paying under 5%. If these people pay DIRT, it will qualify them as paying tax.

I am a chartered accountant by profession and if I was advising any of these lucky lotto winners, I would suggest that they invest €1,000 or €10,000 in their favourite local bank, pay a small amount in DIRT and thereby remove themselves from the category of those who do not pay tax. Why is the Minister proposing to block the release of the information in question when, as he stated in his reply, he is deferring taking any action in respect of eliminating the scandalous situation involving very wealthy people who, mainly because they benefit from the property-based tax breaks introduced by the Minister's predecessor, do not pay tax?

Mr. Cowen: I am never surprised by Deputy Burton's ability to concoct a conspiracy where none exists. I had no say regarding the methodology used in respect of this study. It was the sole preserve of the Revenue Commissioners, who are independent. Deputy Burton should desist from imputing a dishonourable motive on my part because it detracts from her argument.

Regarding the issue of deposit interest retention tax raised by Deputy Burton, the Revenue Commissioners have advised me, in respect of their recent report on effective tax rates of high earners, that for the small number of taxpayers whose income consists of very large sums of deposit interest, the amount of DIRT deducted means that their effective rate of income tax paid was very close to the 20% standard rate at which DIRT is deducted from deposit interest. This is because DIRT deducted at the standard rate is a final tax. The taxpayer has no further liability to income tax on the deposit interest concerned. Like similar taxes, deposit interest retention tax is a form of income tax. As far as the Revenue Commissioners are concerned it is, therefore, appropriate to include it in such studies on tax paid by those on high incomes. The fact that this was not done in the past was an oversight which is now being corrected.

The idea that the change in methodology will not show the numbers of people with a 0% effective rate of tax is not correct. Essentially, the change being made is about accuracy of information and ensuring that taxpayers are correctly categorised into the different bands of effective rates. Future studies will show high earners who have a 0% effective rate of tax.

The recent study makes it clear that, with regard to the proposed new methodology for future studies, "individuals paying some tax, although amounting to an effective rate of 1%,

will be excluded from the 0% range and included in the less than 5% range". To facilitate comparisons, tables 3A, 3B and 4 in annex 1 recast tables 1A, 1B and 2, respectively, to show the numbers and percentages on the basis of the methodology that will be used in future. Table 4 in annex 1 of the study shows that the number of high earners with a 0% rate effective rate, if any, will be identified in future studies as they have been in this most recent study. In future, those who pay no tax at all will be in the 0% category, those paying some tax but less than 5% will be included in the greater than 0% and less than 5% category.

Regarding other aspects of Deputy Burton's question, we are talking about the use of tax incentives and reliefs introduced by successive Governments for the purpose of economic and social development. We need to achieve a balance in the budget between incentivising economic and social development and ensuring that everyone pays his or her fair share. This was not done during the tenure of the rainbow coalition. This Government has closed down a range of schemes introduced by the rainbow coalition.

The measures and schemes to which I refer include: the designated seaside resort scheme, which was introduced in 1995 — I wonder who was Minister for Finance at that stage; the Customs House docks area scheme introduced in 1985 — I do not believe there was a Fianna Fáil Minister for Finance then; the designated islands scheme introduced in 1996 — I believe a Labour Minister for Finance was in office at that time; a double rent relief element in respect of the various tax designated area schemes introduced under the original urban renewal scheme of 1985; and foreign earnings income tax relief, which was introduced in 1994. I cite these examples in respect of bringing a measure of balance and accuracy to the debate.

Ms Burton: I have a supplementary question.

An Leas-Cheann Comhairle: We have exceeded the time limit for this question. Deputy Burton must be brief.

Ms Burton: Is the Minister willing to review the recommendation whereby the giving of the information regarding 0% taxpayers will effectively be abolished? He acknowledged this in his answer but he did not answer my question.

Mr. Cowen: I have explained the situation regarding the Revenue Commissioners. The reasons for doing so were correcting oversights in the past and ensuring accuracy of information. Those who pay no tax will be in the 0% category.

Ms Burton: The Minister is closing down information.

Mr. Cowen: If the Deputy wishes to suggest any impropriety, she should refer it to the Revenue Commissioners and not to me.

Other Questions.

Public Private Partnerships.

An Leas-Cheann Comhairle: I remind the House that supplementary questions in response to answers on ordinary questions must not exceed one minute.

47. **Mr. Deasy** asked the Minister for Finance the changes he plans to make in the public private partnership process to achieve the new targets for expenditure. [13312/05]

Mr. Cowen: Public private partnerships are part of the overall strategy to deliver on investment priorities. The multi-annual capital envelopes introduced in the 2004 budget set out the Government's commitment to invest significantly in capital infrastructure through both traditional and public private partnership-National Development Finance Agency funded investment. We expect PPP-NDFFA funding to comprise approximately 10% of total investment as set out in the capital investment envelopes. Of the total investment programme of more than €36 billion for 2005 to 2009, the PPP-NDFFA allocation, funded by unitary payments from Departments' Votes, is approximately €3.5 billion. In addition, there is a target of €1.2 billion for PPPs funded by user charges.

It is expected that the target for user-funded PPPs will be largely met by the roads programme. Adjustments to the targets for PPPs to be funded by unitary payments were made in the 2005 budget to take account of a shortfall against projected targets in 2004. There are a number of reasons for this, including the complexity of the process and the lead time involved in bringing such PPP projects to construction, typically 18 to 24 months.

In this context, I am actively considering what changes, if any, are appropriate to support the continued evolution of the process of projects funded by unitary payments from Departments' Votes. Building on the lessons learned to date and on the progress and expertise already developed, I am considering, with a view to bringing proposals to Government, how best to ensure that the appropriate skills and capacity are in place to assist Departments in procuring PPP projects.

Mr. Bruton: I thank the Minister for his reply but it is not informative regarding what different actions he plans to take to reduce the period. Perhaps the Minister will confirm my understanding

that he has had a number of high level discussions with key players in this field who have identified some of the problems, such as the high cost of the bidding process and the delays experienced. Has the Minister any practical proposals to submit that would begin to progress events more quickly?

There is a great deal of scepticism among all parties in the House as to whether PPPs represent good value for money. One reason for this is the reluctance or refusal of the Department of Finance to allow any publication of the comparators which would show standard public sector procedures versus PPPs. Some doubts have been cast on the education programmes where the Minister had access in the case of the Comptroller and Auditor General, although he condemns these doubts as unfair. Will the Minister publish the comparators to lend us confidence about delivering value in the system? This would support his approach if he were to simplify the bidding process. On the basis of what has been achieved since the 2004 budget, does the Minister believe he will deliver this year's target for the PPPs regarding the user charges and the non-user charges?

Mr. Cowen: I made the point that I have nothing to conceal. The National Roads Authority and the Railway Procurement Agency are doing good work. We are witnessing the entry into contracts and the completion of major contracts before time and within budget in the area of transport, including the Kilcock-Kinnegad motorway, the Dundalk bypass, the Fermoy bypass and the second West Link bridge.

Mr. P. McGrath: There is no bonus to the Department, only to the builders.

Mr. Cowen: Politicians in this House ask for something to be done. The point of this is the economic benefit derived from continuing our public capital programme. Some people say that we should now forget about PPPs if the Comptroller and Auditor General's report is to be believed. I disagree. There are lessons to be learned as we roll out this new procurement mechanism. Not every project is suitable for a PPP but this does not mean we should have none.

One can have all the comparators one wishes and one could work under traditional mechanisms for a certain amount of money, but how long would the work take? If I were to choose between a hard financial analysis—

Mr. Bruton: My question was about what the Minister is doing.

Mr. Cowen: —or a wider economic benefit analysis, I would take the latter and I believe—

Mr. Bruton: The Minister has not said what he is going to do about this.

Mr. Cowen: I said I am in the process of doing something, which the Deputy indicated he knows. I have met many people on this matter to determine how to do this better.

Mr. Bruton: Can the Minister not share his information with us?

Mr. Cowen: I am not in a position to share it with the House until I get agreement. Deputy Bruton was in Government. There are PPP units across the service. I have proposals that must be agreed and approved. I am in the process of developing ideas that will improve the situation and must get agreement on them. I cannot decide off the top of my head what I want to do.

Mr. Bruton: The Minister could enlist the support of the House for some of his ideas.

Mr. Cowen: I look forward to the Deputy's support when the Government approves the ideas as they will improve the present situation. I do not have to give all my information today without Government approval simply because a question has been asked. Deputy Bruton knows this because he was in Government. I do not know why he would ask me to do so.

Mr. Bruton: The Minister could tell the House something of his thinking. This is an important public policy issue and we are here to debate it.

Mr. Cowen: Correct.

Mr. P. McGrath: The Minister should not hide his knowledge under a bushel. He should share it.

Caoimhghín Ó Caoláin: I have the impression the Minister resents us asking him questions.

Mr. Cowen: Not at all.

Caoimhghín Ó Caoláin: He should at least grant us——

Mr. Cowen: I am explaining why, for obvious reasons, I cannot be as expansive as Deputy Bruton would like.

Caoimhghín Ó Caoláin: The Minister could have come part of the way. He and I have discussed the PPP approach before. If it is the case that the rationale for the Government's employment of PPPs in the provision of capital for specific projects is the savings made, a criterion which the pilot project failed to meet — miserably so I said on the previous occasion, as a result of which the Minister lambasted me — in that the project was between 8% and 13% over the assessed cost of the State providing for the four schools con-

cerned, what steps will the Minister take to ensure that PPP-funded projects in future will meet the criteria of capital savings and will prove to be cheaper than public moneys raised? I worked in banking for a number of years and do not have the same experience as chartered accountants but a simple observation is that private finance is more expensive than——

Mr. Cowen: What was the Deputy's last point?

Caoimhghín Ó Caoláin: Private finance invariably proves to be more expensive than money accessed by Government. We have demonstrated previously how money can be raised to finance projects more cheaply. The Government can do this more cheaply through publicly funded enterprise.

What steps is the Minister taking to employ the lessons learned from the failed PPP pilot project in terms of its rationale and criteria rather than specifically in terms of the schools in question? Will the Minister assure the House that we will see better performance on a financial——

An Leas-Cheann Comhairle: The Deputy must comply with the one minute rule.

Mr. Cowen: The PPP is an integrated procurement option and has an important role to play when applied to appropriate projects where there is the right scale, risk and operational profile to harness the benefits of the new approach. The assessment of value for money in a PPP project involving private finance takes account of issues such as the risks transferred to the private sector. The key test involves comparing the cost of procuring the project using traditional means with the cost of procuring it by means of PPP. Other factors, such as the long-term nature of the contract with the private sector, the optimum combination of whole-life cost and quality, the potential for quicker delivery of infrastructure and performance related payments, are also relevant to establishing if a particular option is the best value for money solution overall in a project.

If one looks at this objectively, there is no question that the PPP design build operate models, which have been designed by the National Roads Authority to provide us with the roads programme which is now being rolled out, could not have been rolled out with the same budgetary discipline and with time lines being respected through traditional procurement. Not all the skills involved in the appraisal, design and execution of those contracts are available in the public service. It is, therefore, a question of marrying these skills and identifying the public procurement requirements, the priorities and the way the PPP will provide us with the means to get the job done. However, it depends on the nature of the project as this would not apply to every project. Ensuring good contractual arrangements, transferring risk

and incentivising the need to get the job done quickly are means of saving money which would not be possible if we went through traditional procurement means.

The wider economic benefit is part of the analysis. It cannot be a hard financial analysis of one over the other. There is a wider economic benefit by bringing a project on stream more quickly. According to the mid-term evaluation of the national development plan, the return is approximately 16% on the investment. That is what the Economic and Social Research Institution said. There is no question that PPPs have a role. Do we decide that is it for PPPs because of a report by the Comptroller and Auditor General? The evidence is quite the contrary.

Given that it is a new procurement mechanism, we can learn lessons as we go along. I do not claim to know everything about it, no more than anybody else, but other governments use it effectively. Given that we complain about infrastructure deficits here, there and everywhere, we must use PPPs as part of a number of responses, including traditional procurement and traditional means of doing a job. It is clear that is the case. We should have sufficient confidence in what we have rolled out so far and take the independent evaluation of that as a means of looking at the big picture rather than decide there was a problem with a particular school or with a bundle of five schools. It might have been different if it had been a bundle of 20 schools. That is another point about PPPs, namely, that one gets greater critical mass rather than 20 individual contracts.

Ms Burton: Is the Minister saying he is not concerned by the Comptroller and Auditor General's report that the cost of the bundle of schools is between 8% and 13% more than if the schools had been built by the State using the direct build method? The State spent €70 million on the national aquatic centre in Abbotstown. It has been closed for more than three months. All water sports associated with this massive investment have been halted for four months. In regard to the tax break factor for PPPs, Kinnegad and other projects, has the Department of Finance factored that into the comparative costs and the cost comparators?

Mr. Cowen: If the Deputy tables a parliamentary question, I will provide her with the detail.

Mr. Boyle: The Minister seemed to indicate that the Comptroller and Auditor General's report is not independent. If one applies the 8% to 13% valuation to the whole schools building programme at the lower end of the scale, one school in every 12 will not be built and, at the higher end of the scale, one school in every eight will not be built. That is the trend in the Comptroller and Auditor General's report.

The Minister also spoke about the 16% guaranteed return mentioned in the ESRI report. The Comptroller and Auditor General's report mentions a guaranteed return of 13% in the Department of Education and Science's bundled projects. Will the Minister explain why that 13% guaranteed return, which is effectively the interest rate, is somehow better than borrowing on the open market at a much lower cost to the State? That is the nub of public private partnerships. Not only do they cost more to construct, we know from analysis carried out by the Comptroller and Auditor General that they cost more to maintain over a 20 to 25-year period. Where is the benefit other than the early construction of this infrastructure?

Mr. Cowen: The benefit is in the roads programme being rolled out. In regard to the Comptroller and Auditor General's report, I respect his view which I will take on board. I will not run away from PPPs.

Mr. Boyle: What is independent evaluation?

Mr. Cowen: The ESRI has given independent evaluation on the roads programme. The Deputy suggests the total capital programme is five schools in the north west or somewhere. Millions of euro are being spent. Huge contracts are being executed, finalised and completed before time and within budget through PPPs.

Mr. Boyle: At a higher cost.

Mr. Cowen: Should we forget about PPPs because the Deputy has a problem with a school or two which was the first PPP effort by the Department of Education and Science? Is the Deputy out of his mind?

Mr. Boyle: There is a trend.

Mr. Cowen: Perhaps the Deputy does not want the roads programme. I forgot that.

Mr. Boyle: The Minister will say we do not want schools either.

Mr. Cowen: Some 600 schools have been built and refurbished since this Government came into office.

Ms Burton: In Dublin West 300 children cannot get a primary school place for next September.

Competition Authority Report.

48. **Mr. Naughten** asked the Minister for Finance the actions he has taken or which he plans to take in response to the report of the Competition Authority on banking. [13287/05]

Mr. Cowen: I should perhaps clarify the context in which the recent report was published and

[Mr. Cowen.]

the views of interested parties sought thereon. The report published by the Competition Authority last December was one which had been prepared for it by a firm of consultants. While endorsing the analysis in the report, the authority has not yet taken a position on how best to remedy the issues it raises. Instead, it invited interested parties to give the authority their responses. It is only after it has considered these responses that the authority will issue its own report and recommendations — probably around the middle of this year. Given these circumstances, the response which I sent to the authority was a preliminary one and this will be reviewed in the light of the finalisation of the authority's position on the issues raised in the report.

The report which was published contained 40 recommendations, ten of which were directly addressed to my Department. A particular focus for my Department related to stamp duty on plastic cards. The recommendations on this topic dealt with the issue of the double stamp duty burden on persons in a year in which they switched card providers or upgraded or downgraded the status of the card provided by their existing supplier.

I had already indicated in my budget speech last December that I would take steps to eliminate this double charge and section 128 of the Finance Act 2005 provides accordingly. It amends Part 9 of the Stamp Duties Consolidation Act 1999 to provide for an exemption from a second or subsequent charge to stamp duty for financial cards such as credit cards, charge cards, ATM cards, Laser cards and combined cards arising from the switching of accounts within a financial institution or from one financial institution to another in the same year of charge. The change for credit cards and charge cards took effect from 2 April 2005 while the change for ATM cards, Laser cards and combined cards will take effect from 1 January 2006. These measures will have an important impact in addressing the issues raised in the Competition Authority's report relating to facilitating account switching.

A second area of particular interest to my Department concerned the recommendation that the regulation of non-interest bank charges be phased out. As pointed out in the response which I forwarded to the Competition Authority, the regulation of non-interest charges and fees is aimed at consumer protection. It facilitates the Irish Financial Services Regulatory Authority both to verify that notified charges are being applied to customer transactions and to require restitution in the event of overcharging. A reconsideration of the present arrangements would be warranted only in the context of a compelling case being made that these provisions significantly deter new entrants to the markets for these banking products or that the effectiveness of

competition in the sector had increased considerably.

There were some other issues in the report for my Department to which I have also responded. The full text of the response is on my Department's website at www.finance.gov.ie. As to my views on the matter, I welcomed the report when it was published. It deserves careful consideration by all those concerned. The report's overall conclusion that there are competitive issues to be addressed in the banking sector leading to higher costs for customers must be taken seriously. My Department will pay particular attention to any recommendations relating to the legislative framework governing financial regulation.

Mr. Bruton: Does the Minister share my view that there are serious issues in respect of competition in the banking sector which are highlighted by the fact that profit-taking in the sector is three times as high per customer in Ireland than elsewhere and the cost of banking is 73% higher here than elsewhere?

Against that background, is the Minister happy that the Competition Authority's report is adequate in addressing the change that needs to occur in this sector? Does he consider there is enough in the recommendations emerging from its report? Would he consider changes such as requiring the charging on current accounts, which is fairly standard practice in the UK? Is he satisfied with the captive sale by banks to their customers sometimes of products they do not need, as we have seen in recent cases? Does he consider there is a need for more far-reaching change to promote genuine competition in the banking sector? What sorts of changes would he consider initiating to promote greater entry into the banking sector and greater value for money to customers of the banking sector, particularly small business and personal borrowers, not forgetting that when the bank ECB rates came down only half of those cuts were passed on to personal and small business borrowers?

Mr. Cowen: As I said in my initial response, the authority has to take positions in this regard. It issued its report for consultation or comment. Upon that process being completed in the next few months, as I understand, we will be in a position to be aware of the final views of the Competition Authority on this matter and how we might respond to it. I made the point generally that the report deserves careful consideration.

The issue of how we improve competition in banking for the benefit of consumers is important. We have the new regulatory framework through IFSRA, which has a strong consumer focus in terms of the committees in place to ensure that the consumer is protected. Where there are practices, to which the Deputy referred, that seek to cajole people into providing products

that go beyond practical ethical marketing, that is an issue IFSRA is in place to deal with in the normal regulatory course.

As to the legislative response we will give governing financial regulation to assist in competition, that would be best considered by us when we know the final position of the authority on these matters.

Ms Burton: The Competition Authority took a long time, and presumably that was costly, in producing this report. Many of the people involved in preparing it seem to be American PhDs. I am not sure how much they know about the detail of Irish banking.

Is the Minister concerned about the suggestion in the report of the letting go of procedures for notifying charges, limited and all as they are, in the context of Irish banking, given the scandals we have endured from Irish banking in recent times? It is difficult to understand why these procedures should be arbitrarily dropped? The report pulls its punches in giving information to customers on charges, which is key information in allowing customers to make informed decisions about shopping around. Is the Minister disappointed that the Competition Authority has laboured mightily and really only produced a mouse?

Mr. Cowen: In fairness to the Competition Authority, its main findings are that competition does not function well in certain parts of the Irish banking sector and that the market is highly concentrated with two large banks accounting for more than 70% of retail banking market.

Ms Burton: With due respect, is that not something we and the Committee on Finance and the Public Service know from our personal observations?

Mr. Cowen: The Deputy may have a few personal observations, but the point I am making is in regard to some of the recommendations. I made the point about IFSRA having a strong statutory consumer mandate under the 2003 Act. The existing legislative provisions relating to fees and non-interest bank charges were introduced in the context of concern about the effectiveness of competition between banks and are aimed at consumer protection. They facilitate IFSRA to verify that notified charges are being applied to customer transactions and to require restitution in the event of overcharging. The requirement to seek approval for such bank charges does not pose any substantive barrier to competition.

There is also a suggestion to amend the Bills of Exchange Act to allow for electronic presentation of cheques and initiating legislation to support cheque truncation. We are always open to legislative adjustments to facilitate adoption of new technology or more efficient processes. Before

endorsing that recommendation I would need to be satisfied the measures being proposed would bring about an overall improvement in the efficiency of the payment system.

The authority also invited the Department to bring forward a position paper setting out the implementation for a national payment strategy. That recommendation relates presumably to the report by Accenture Consultants entitled National e-Payments Strategy that the Information Society published in 2003. It raised complex issues for a range of stakeholders, both the State sector and private sector, and requires a more considered evaluation than this recommendation by the consultants would suggest.

A significant issue in responding to the suggestion of a national strategy and to what extent the State should take a role in it revolves around the very exercise the Competition Authority is undertaking, in that, any consideration of the strategy would have to take account of the outcome and impact of that exercise. We look forward to the report of the authority in respect of that.

The recommendation to bring forward legislation to facilitate mortgage switching has implications outside my Department's role in regard to the financial services sector. It would seem to raise issues in regard to conveyancing, contract law and possibly bankruptcy and insolvency law. The outcome of the current consultative process being conducted by the authority may clarify those issues and when its specific proposals for reform in this area are put to my Department they will be seriously considered.

Our reaction to the recommendation that the Money Laundering Steering Committee should consider amending its guidance notes to allow for accounts to be opened and funds to be deposited but not withdrawn prior to customer identification is that this is primarily a criminal law enforcement matter. It is not clear how this suggested change would increase competition while at the same time it would seem to interfere with the clear requirement for a bank to know its customers. We will review the position in the light of the authority's final report later this year.

There are a number of recommendations that clearly have been put forward. This process of response will allow the authority, in the first instance, to make its final recommendations. They are more likely to be amenable to ultimate implementation on the basis that all these complex issues will have been considered before final recommendations are made.

Mr. Boyle: Does the Minister agree the response of the main Irish banks to competition issues has not been about improving the quality of their services, having failed to inform their customers or having taken them for granted, but about examining their cost base in infrastructural

[Mr. Boyle.]

terms, diminishing staff numbers and closing facilities, sub-branches, which are considered less cost effective and less profitable in isolated locations? Customers in rural areas have to travel longer distances to conduct face to face banking. Does the Minister accept this is a negative trend that he should address?

Mr. Cowen: In the private banking sector there are commercial considerations that management and boards from time to time consider. The most recent one related to the Bank of Ireland. I have made my position known, namely, that in the context of social partnership, I hope the legitimate interests of staff are taken into account in regard to these matters. I have no doubt but that the bank's staff unions and associations will more than adequately represent staff interests and that there will be agreed procedures to determine the overall repositioning of the bank in competitive terms that will meet an agreed outcome between all the stakeholders in the bank, including the staff.

There is also another issue. We are talking about the need for competition and competitiveness for banking and ensuring lowest possible costs to the customer, with which I agree. However, if it emerges that achieving that changes the traditional branch system to some extent, although I do not believe that is envisaged in the Bank of Ireland where such a change would be major, it would provide an opportunity for organisations like An Post to do that sort of business for a bank *in loco* or instead of the bank. An Post would make sure there is a face to face banking facility even in our smaller towns and villages where there may be pressures due to the level of activity in bank branches where the services they provide may be considered for relocation. Instead of viewing such changes as threats, they may present opportunities. Certainly in the context of An Post's position, such outside the box thinking may be required as part of the resolution of the problems that exist there.

Caoimhghín Ó Caoláin: The service ethos and the customer friendly approach that most in this House would have remembered as part of the commercial main street-high street banking sector of years ago is all history. The service ethos and customer friendly approach has long been subsumed by the drive towards greater profitability, better returns and better performances. For a large swathe of ordinary citizens, it is a case of take it or leave it. They have little or no means to lever and no representation in regard to the banking sector. One is on one's own. It would almost invite a customer service user's representative body.

The Minister referred to opportunity and other thinking by way of opening up opportunities to

the post office and other service sectors. Given that citizens need a safety net, what about having a State bank, providing all the crucial services in which the commercial profit-driven banks currently dominate and hold sway? Is that not the answer in a time of opportunity? Should we seriously consider this, given that the current providers have no interest in customer service and the service ethos that once applied?

Mr. Cowen: The issue that will drive better value for money in the banking sector is more competition. We have already seen this in the new entrants coming into the market. On face to face banking and the demise of what the Deputy regards as the friendly atmosphere when one goes into a bank to borrow money, and being given it willingly at very benign rates, is not a vision I have from my first visit to a bank. The fact is that technology has overtaken events. The lessons of the last bank strike were that people did not need to go into the bank to do business. The ATM machine took away the basic leverage people understood existed in terms of industrial relations in the banking sector. This is why it differed so much from the previous bank strikes in the 1960s and 1970s. People just want to get their money. They do not necessarily need to have a cup of tea or coffee. Technology has taken over in the banking sector and financial services generally.

I do not share the Deputy's view on providing a State bank. I have too many priorities at the moment. A State bank that would not have profit as a motive would not last very long.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael Moynihan — the issues surrounding Mallow General Hospital, including the provision of a CT scanner and the appointment of a consultant; (2) Deputy Sherlock — that the Minister provide funding for the appointment of a consultant radiologist to Mallow General Hospital; (3) Deputy Connolly — the effects of the proposed changes in school transport provision on children from the Bawn-Bellatrain community attending St. Aidan's comprehensive school, Cootehill, County Cavan; (4) Deputy Healy — the need for the Minister and the Health Service Executive to implement the High Court agreement for the provision of general hospital services in south Tipperary; (5) Deputy McEntee — extending of fuel allowance for old age pensioners in view of the ongoing bad weather; (6) Deputy Stagg — the reduction by 40% of the hours available for the home help service in County Kildare since 2002; (7) Deputy

Burton — the need to renovate and expand St. Brigid's national school, Castleknock, following the masonry fall from the building last week; (8) Deputy Neville — school transport for secondary school, Salesian College, Pallaskenry; (9) Deputy Ring — that the Minister provide funding for a project in County Mayo (details supplied) considering that the facility has planning approval; (10) Deputy Costello — that the Minister refrain from threats and prison closures as a means of resolving his dispute with the Prison Officers Association; and (11) Deputy Penrose — that the Minister take steps to deal with the significant anomalies that have arisen in the operation of the early retirement from farming scheme.

The matters raised by Deputies Michael Moynihan, Sherlock, Stagg and Ring have been selected for discussion.

Electoral (Amendment) Bill 2005: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

Minister for the Environment, Heritage and Local Government (Mr. Roche): I was dealing with section 6 of the Bill, which requires some explanation. It arises as a technical issue, which was first raised by the Standards in Public Office Commission in regard to the definition of election expenses for the purposes of the Electoral Act 1997. Paragraph 2 of the Schedule to the Act set out certain items that were not to be regarded as election expenses for the purposes of the Act. Following the High Court and Supreme Court decisions in 2002 in the Desmond Kelly case, section 33 of the Electoral (Amendment) Act 2004 deleted from paragraph 2 the references to services, facilities and so on provided from public funds.

The effect of that deletion is that, in accordance with the court rulings, such services are now reckonable for the purpose of making statements of election expenses to the commission. However, the section 33 deletion was inadvertently drafted to remove from paragraph 2 of the Schedule a number of other items which were not an issue in the court case and which most people would regard as not reckonable. These items included, first, the free postage, which we know as the *litir um toghchán*, a service available to all candidates, second, a service provided free by an individual or provided by an employee of a political party, third, normal media coverage and, fourth, the transmission on radio or television of a broadcast on behalf of a candidate or political party.

It is quite clear that it was never intended the deletion should cover these items. The practical implications of it covering these items are difficult to contemplate. It was never intended to provide that these items would be regarded as election expenses. They would not have been brought into

the reckoning in any reasonable interpretation of election expenses. They were never intended by this House or by the Oireachtas to be covered as part of the 1997 Act. The current Bill, therefore, redresses the situation by inserting a subparagraph in paragraph 2 of the Schedule of the 1997 Act, clarifying that the items at issue are not to be regarded as election expenses at presidential, Dáil or European elections, thereby returning to the position in respect of these items that existed prior to the 2004 enactment.

I accept that the Bill is important for existing and prospective Members of the House. It is important for the electorate they serve and for the democratic process as a whole. There is a certain inflexibility which I must of necessity apply in the Bill. I commend the Bill to the House.

Mr. O'Dowd: I am concerned that this is a two part Bill. One part deals with the decision of an independent commission established by the Oireachtas and inserted in section 6, namely, an adjustment due to the poor administration of a former holder of the office, the former Minister, Deputy Cullen. It would have been better to introduce a separate Bill dealing with the mess the former Minister made of the legislation instead of linking it with the commission's Bill to establish the constituencies for the next general election.

This is an important point because, regardless of what is included in any proposal from an electoral commission, Members on all sides of the House are committed to that. There is absolutely no doubt about the integrity of the commission or the integrity of its decision. It is now inextricably linked to the mess for which the former Minister is responsible. It is incredible that he wasted €50 of taxpayers' money on electronic voting. He behaved in a most arrogant manner as Minister for the Environment, Heritage and Local Government. When the noble and great former Minister was introducing his botched provisions on Second Stage of the Electoral (Amendment) Bill 2004, he said:

Nobody can doubt that the Opposition has a responsibility in seeking to illuminate aspects of public policy according to its own judgment. Some of the debate on this matter has been useful — much has been inaccurate, sometimes wilfully so. I have no doubt that at certain times in recent debates, Fine Gael spokespeople genuinely have not known what they were talking about.

So much for the former Minister. Today the current Minister, Deputy Roche, has proven that the former Minister did not know what he was talking about, that he had not got a clue and that——

Mr. Roche: He was not referring to Deputy O'Dowd.

Mr. O'Dowd: Not at all, no more so than Deputy Roche. I am saying the former Minister, when he was introducing his botched amending legislation, demonstrated his usual arrogance and disdain for debate, the Opposition and the electorate. Perhaps he would have been better off obtaining some very good PR advice from some nationally or internationally known firm rather than spouting this cant at us in the Dáil when he made a mess of things. What a mess he made. The current Minister, Deputy Roche, has outlined the extent of this mess. As he rightly stated, the Minister, Deputy Cullen, did away with the concept of providing free postage for all candidates in a general or European election. Other expenses not regarded as election expenses were deemed to include the service provided free by an individual or provided by an employee of a political party, normal media coverage and the transmission on radio or television of a broadcast on behalf of a candidate or political party.

When the Standards in Public Office Commission reflected on the reality of the law as it saw it and the changes being made by the former Minister, its views were crystal clear. It was felt that if the changes were made, every Irish candidate currently sitting in the European Parliament would be over the limit by virtue of the *litir um toghchán* in its own right. It was very good of the commission to bring this to the attention of the then Minister.

I will not labour the point further. Suffice it to say that arrogant Ministers mess up in the manner Deputy Cullen messed up. We should nail him on this issue now and state he did a very poor job on behalf of the electorate. He single-handedly destroyed the electronic voting system and messed up the nomination process that applies to every Irish MEP. There is a doubt and there will continue to be a legal doubt about whether Irish MEPs have been properly elected.

We clearly need a change to the legislation. This should not be achieved through this Bill but through separate legislation. The decision of the commission, which is apolitical and represents the sum of everybody's views, and the decision of the former Minister to mess up legislation should be kept separate forever. One could argue that this should be done at the first opportunity. The separation of functions that I propose should obtain from now on.

The Electoral (Amendment) Bill 2005 represents the future for us all and it is in respect of it that we will rise or fall. There is no doubt that it will form the basis of our general election campaigns. The Taoiseach stated this morning, in response to a question by Deputy Burton of the Labour Party, that there will not be another electoral (amendment) Bill before the end of the period for which the Government is allowed constitutionally to remain in office, that is, in two years. There will be a census next year and the

process in this regard will be too long such that a new Bill cannot be introduced before the general election. These seem to be the facts as we know them.

The Bill really concerns the drift from rural to urban areas, which is becoming clearer, and the growth of cities and towns. This is positive but involves a corresponding neglect of rural areas. Many issues have been raised in this regard, especially by people in County Leitrim. They feel their county no longer exists and are sad and concerned that they may never have their own Deputy living within their county boundaries. The commission has its directions and it made its decision based on all the facts. I am not being critical of its decision but it must be pointed out that there is a difference between splitting a county for electoral purposes and treating it as a single unit. Significantly, Leitrim people are deeply concerned about this matter. I have spoken to a number of them, including members of Fine Gael and Fianna Fáil. The county is to be split in two for electoral purposes and there will be 10,000 voters in one electoral area and 10,000 in another. We do not possess the wisdom of the commission but perhaps it might have been wiser had it tried to protect Leitrim. This is the view of Fine Gael.

The drift from rural to urban areas is very clear. It has resulted in changes in the constituencies and extra seats in constituencies on the east coast rather than the west coast. To sustain rural communities, which is everybody's objective, we need to re-examine the spatial strategy and determine how it is failing. Population growth is not occurring as much as one might like in the areas designated for growth, including the hubs. The western seaboard, in particular, is not experiencing the growth we would all like it to enjoy. The east coast, including Louth, Meath, and Wicklow, and Kildare, are experiencing growth that is not sustainable infrastructurally. In this regard, I refer to the problems faced by commuters and the long periods they spend travelling to and from work. If one is a politician, one must be available for 24 hours per day, as we know, and if one is a commuter travelling from Louth or Wicklow, for example, one must work a 12 or 13 hour day.

Perhaps we should reconsider the spatial strategy and direct investment from the east coast and the commuter counties towards the west. This may have an impact in the longer term. I note that the recent planning proposals represent an attempt to sustain rural communities but there has been a significant decline in the population in certain areas.

Let me consider the table attached to the explanatory memorandum of the Bill, which outlines the proposed constituencies, number of seats etc. It shows that Cavan-Monaghan had a total population of 109,000 in 2002 implying a

variance from national average representation of -7.5%. It is likely that the constituency will lose a seat in the next change to constituency boundaries. The trend for my county, County Louth, is in the opposite direction. It had 101,000 voters in 2002 and a variance from the national average representation of 7.87%. The constituencies of Cavan-Monaghan and Louth are in close proximity but one will gain a seat and the other will lose one.

Ireland is changing a great deal. On the issue of the national spatial strategy, sustainable growth is one matter to be considered and counties losing their power base is another. One must move with the voters. It comes back again to the need to address issues relating to rural depopulation.

Another point I wish to raise involves the Oireachtas and what happens when a general election is called. The Kelly case was taken because an individual felt that changes introduced in legislation gave a specific advantage to candidates who were serving Members of the Oireachtas as opposed to those who were not. The origin of this Bill lies in the fact that the change effected previously was incorrect. Will Members of the Oireachtas be advantaged or disadvantaged as a result of the changes included in the Bill or will their position remain neutral? Have sufficient changes been made?

I recently received a new computer from the Houses of the Oireachtas to my constituency office. Attached to it was a note — I was not present so I could not sign it — asking me to accept delivery of the computer and to return it on the dissolution of the Dáil. When the current Dáil is dissolved, will we lose our computers, will our offices be under lock and key and will we be denied access to our e-mails? That is an important question and it may be discussed by some of the Oireachtas committees.

I do not wish to put anyone outside the Houses at a disadvantage but in my view Members should not be disadvantaged either. This matter needs to be addressed. There is a deep concern among Members of the Oireachtas that when they access the computer database—

Mr. Roche: The database is located here.

Mr. O'Dowd: That is my point. The database and server are located in the Oireachtas. I do not want this access to be removed from Members when an election is called. I hope the Administration, as opposed to the politicians, will give this adequate thought. We need clarity on this issue. One does not want to be prevented from writing to one's clients at that key point. Access to the database and to e-mail may be deemed to be an election expense.

Deputies' facilities are withdrawn on the day the election is announced but that does not apply to Senators, unless a Senator is running for election to the Dáil. As a former Senator who was

elected to the Dáil in the most recent general election, I am not pointing the finger at anybody. We need equity and fairness everywhere.

We want a fair and independent assessment of our constituency needs. There have been many experiments in the past, some from this side of the House and some from the Government side, none of which worked. The collective wisdom is that this proposal, with all its faults, is the best available. It is not politically motivated. There is transparency about its intentions, it was published in the press and people had an opportunity to make submissions, all of which were considered fairly.

The Bill contains our future. I do not particularly welcome it because, like the Minister, I am concerned about the issue regarding County Leitrim. Nevertheless, we must live with it. Our demography is changing and we must keep abreast of that change.

Will we use ballot papers or electronic voting in the next election? What will the Minister do about this situation? People believe that €50 million of taxpayers' money was wasted on electronic voting machines. The Independent Commission on Electronic Voting is incurring ongoing expenses. I do not doubt that it will make its decision on this issue soon. We also need the Minister's decision on this issue as soon as possible. In future, the legislation on constituencies should be kept separate from the political mess that the former Minister, Deputy Cullen, made of the electoral system.

Mr. Gilmore: How much time do I have to speak?

Acting Chairman (Mr. Kirk): The Deputy has 30 minutes.

Mr. Gilmore: That is a long time.

Acting Chairman: It gives the Deputy considerable latitude.

Mr. Gilmore: Given that the Bill has a wider remit than the report of the constituency commission, it is the former that I shall explore.

The main substance of the Bill is to give effect to the report of the constituency commission. When such a report is published, some people are inevitably disappointed while others are delighted. The debate will reflect those reactions. It is possible for the Oireachtas to amend the report or the terms of the report presented. It is for the Oireachtas to determine the constituencies which will apply at the time of the next general election.

I agree with the Minister that the report of the constituency commission should be viewed and accepted in its totality. To do otherwise would be to weaken the commission's independence and our acceptance of its independent assessment of the constituency boundaries. I do not want to see

[Mr. Gilmore.]

a return to the days when the constituency boundaries were, in effect, determined by whatever Government happened to be in office.

Mr. Roche: They usually tripped themselves up on it.

Mr. Gilmore: Yes, they usually got it wrong from their own point of view. It was an attempt to set the boundaries of constituencies to suit the perceived electoral advantage of the Government in office. We should not revive that practice. The Labour Party will, for those reasons, accept the Bill, notwithstanding reservations about its contents and our observations on the report of the commission.

The issue which attracted most attention since publication of this report is the recommendation on County Leitrim. I identify with the criticisms of people in that county of the proposal to divide their small county between two other constituencies. To be fair to the people of Leitrim, this issue should be explored on Committee Stage. The Save County Leitrim campaign has written to the Chairman of the Oireachtas Joint Committee on the Environment and Local Government asking to be heard in advance of Committee Stage. The committee should accede to that request. I ask the Minister to facilitate such a hearing before Committee Stage in order that the concerns expressed in County Leitrim can be considered.

While County Leitrim has received the most prominent attention in regard to the changes to county boundaries I draw attention to the terms of reference given to the commission which I thought were odd at the time. While the commission was asked to have regard to the undesirability of breaching county boundaries, that restriction did not extend to city boundaries or to the administrative county boundaries in Dublin, which is odd. Either the counties of Dublin — Fingal, South Dublin and Dún Laoghaire-Rathdown — are counties or they are not. If they are counties the same rules should apply to those counties as apply to other counties. In effect, the commission was given a different remit for Dublin than for the rest of the country and it has produced an odd configuration.

Mr. Roche: That is in the 1997 Act.

Mr. Gilmore: It is a matter to which we need to give consideration.

Mr. Roche: I was just being helpful.

Mr. Gilmore: The point has been made to me by a number of people that the concentration of three-seat constituencies is on the northside of Dublin city and has been extended into the commuter belt of County Meath. If one looks at the map of three-seat constituencies particularly, they

are clustered. The greatest concentration of three-seat constituencies is in the northside of Dublin, the south west — Kerry and Limerick West — and Cork. The way in which they have fallen in Dublin is due largely to the way in which the 1997 Act has been drawn up.

On the Order of Business this morning my colleague asked what will happen if the 2006 census shows a further change in population and if the general election has not been held by the time the census report is published. Perhaps the Minister would refer to that issue when replying.

The ratio of seats to population has also been raised. The Minister referred to the decisions of the courts in this matter and the variance that is tolerated. Where there is rapid population growth, especially around the edges of Dublin and in the northern part of the Minister's constituency — Kildare, Meath, Louth, Westmeath — the stability that had previously existed in terms of the ratio of seats to population no longer applies. There is a factor here that is often not considered. I appreciate that the ratio, as expressed in the Constitution, is as between population and seat. That does not always translate evenly in terms of numbers of voters and seats. Consequently there is quite a variance in the quotas on the day of an election count. The difference in quota is not explained by differences in turnout. There can be quotas of slightly more than 6,000 ranging to approximately 10,000 as in my constituency. That is a consideration that needs to be taken into account at some future date. The ratio of seat to population needs to be looked at in terms of producing not only a common ratio as between seat to population but also seat to voters. It is undesirable that one can be elected to Parliament on 6,000 in one constituency while it takes 10,000 in another.

The electoral register is an issue on which we need to reflect. Generally, the electoral registers are in poor condition and getting worse but that is not necessarily the fault of those who compile them. It is becoming increasingly difficult to compile the electoral register. The day when a local authority official could call to every house, and be fairly certain of finding people in, and take a note of who was living there and who was more than 18 years of age, is gone. Anyone who is in regular contact with people knows that no matter what time of the day one knocks on doors 50% of the people will be out. The other problem is that there are some places to which one cannot gain access, that is, the gated compounds that are becoming so fashionable. The best the local authority official can do in that case is put a card into the letter box if there is one.

The result is that there are names of people on the electoral register who have moved voluntarily or involuntarily a long time ago. During the recent by-elections I came across three sets of names on the register, all of whom had gone, and nobody had taken them off the register. We have

a system whereby if a person is not on the electoral register he or she can be put on the supplementary register. However, there is no supplementary register for taking people off the register. The result is that it distorts what is perceived to be the turnout. What is regarded as a 60% turnout could in reality be a 70% turnout when one takes into account those on the register who have passed on or have moved.

An issue referred to time and again at election time is turnout. This is something to which we need to return. I have long been of the view that we should have Sunday voting. The only change that has made a difference in terms of turnout has been the change that extended the voting hours. The earlier opening and later closing times have facilitated more people to vote. Moving polling day to Fridays has made the position worse. If people take an extra day with the weekend it is likely to be Friday. People move more on Fridays. It is also the day that a person will go for a pint after work with the good intention of having one and going home to vote. By the time they are into their second or third they are concluding that their choice of candidate is safe and that they should stay where they are and buy another round.

Mr. O'Dowd: Particularly if it is the Minister.

Mr. Gilmore: It is a matter that should be examined. The last time I raised in the House the issue of Sunday voting, the response was that the churches might be concerned but I am not sure this is the case. Church people have spoken about the need for a good turnout and have encouraged people to perform their civic duty. I would be surprised if there was active opposition on the part of the churches to the idea of Sunday voting which I suggest should be re-examined.

I was surprised to hear the Minister recently holding out the hope that the gadgets bought by his predecessor for an enormous sum of money would ever see use in a polling station. The point has been reached where there needs to be some straight talking on this issue, in particular regarding accountability. The sum of €60 million of taxpayers' money was wasted by the Minister's predecessor on an electronic voting system. The commission established to examine electronic voting concluded the system was not safe or reliable, had not been properly tested and should not be used.

This was not a mistake made in good faith, as mistakes sometimes are. The Minister was told before he committed himself to the expenditure that the two largest Opposition parties had serious reservations about the system and would not support it. Despite this, the Minister proceeded to enter into contracts and commit the State to a large expenditure on something which cannot now be used.

It is remarkable that the Minister whose idea it was in the first place is now in charge of communications and the provision of broadband and the Minister who insisted on going ahead with the purchase in the face of growing opposition and advice is now in charge of running the airports. In most other countries they would both be out of office for committing the taxpayer to such a waste of public funds.

As a consequence, the idea of electronic voting has been dealt a serious and unnecessary blow. None of us who expressed criticisms of the system which was being proposed and introduced by Government were opposed to the idea of electronic voting per se, but the manner in which the Government handled the issue has resulted in a diminution of public confidence in the very idea of electronic voting. It is very difficult to see how the idea of electronic voting can be put back on the agenda and it is impossible to see how this system, which has been seriously discredited, can ever be brought into use. Rather than leave it hanging around with doubt existing as to whether it will be introduced at some stage, the Minister should cut the Government's losses and make a clear statement that this system will not be used. I cannot see how it will gain the level of confidence required for its use.

The provisions of the Electoral Act 1997 relating to electronic voting should be revisited. Those provisions should not be given effect until there is general political agreement on the use of electronic voting. I intend to return to this point on Committee Stage because the Act is wider in its remit than merely giving effect to the findings of the constituency boundaries commission and will allow me table appropriate amendments on this issue without them being ruled out of order.

I agree with Deputy O'Dowd about the Band-Aid which the Minister is now applying to the 1997 Act in respect of the matters which may not be considered as expenditure during the course of an election campaign. Will the Minister consider the consequences of the Kelly judgment? Legislation was promised on foot of it but this has not materialised. If the scenario described by Deputy O'Dowd were to materialise, sitting Members would be disadvantaged in an electoral contest. That was never the intention. I agree with the intention to have a level playing field for all candidates in an election contest but this must stop short of the pretence that a sitting Member is somehow not to be a functioning public representative from the date of the dissolution of the Dáil until the date of the election. This would be the effect of some of the restrictions being proposed. It certainly would not be perceived in that manner by the public. If it were to materialise, it would unwittingly disadvantage sitting Members in respect of Members of the Seanad, for whom a different regime applies, and in respect of members of local authorities or candidates to whom that restriction would not apply.

[Mr. Gilmore.]

I look forward to Committee Stage. This Bill will provide an opportunity to discuss the issue of electronic voting. I would like the joint committee to examine the issue of County Leitrim before Committee Stage. The issue of the Dublin county boundaries needs to be examined. With those reservations, the Labour Party will support Second Stage.

Mr. F. McGrath: I welcome the opportunity to speak on this Bill. This is disgraceful legislation which is flawed and undemocratic. It is appalling that this Bill has been brought before the House. It should be thrown out immediately because of its lack of respect for citizens.

Three-seat constituencies are a disaster for democracy and for inclusive politics. Why are all the five-seat constituencies on the south side of Dublin whereas the north side of Dublin has three-seat constituencies? This is disgraceful and flawed legislation which should be challenged in the House, as I am doing, and also on the streets and in the communities by every political representative in this House. It lacks a provision for democracy.

I ask the House to consider what was done to my constituency, Dublin North-Central, and to its citizens. A total of 5,280 electors were taken from my constituency and shoved into Dublin North-East. Then they went to Dublin North-West and took 5,020 voters from the Beaumont-Whitehall area and put them into the constituency of the Minister of State, Deputy Noel Ahern. It is an appalling act to steal votes from Edenmore, Raheny and Beaumont-Whitehall in Dublin North-Central.

One must consider the background to this Bill. Five members were directly involved in the commission established under the 1997 Act. The Government of the day gave the commission's terms of reference and it was appointed by the then Minister for the Environment, Heritage and Local Government, Deputy Cullen. We are all aware of the Minister's record in this House and his disgraceful behaviour on the electronic voting issue. It is appalling that such a Minister, against whom many other complaints have been made, has had such an important role in what is a vital element of the democratic process.

It is disgraceful that the commission had only ten meetings to deliberate on such a momentous issue for the State. Votes were reassigned to Ministers' constituencies to secure their influence in areas in which they and their families have exercised control for generations. I refer particularly to Whitehall and Drumcondra in this regard. If the commission was serious about democracy and social inclusion, it would have recognised the reality of population expansion by increasing the number of Deputies from 166 to 168. The political parties and this Government

are once again hammering poor people, especially in my constituency.

Mr. Roche: On a point of order, I must point out that the commission, in the operation of its activities, is not political and is not bound to the dictates of any political party—

Mr. F. McGrath: The Minister for the Environment, Heritage and Local Government gave its terms of reference. However, I will move on from this issue.

Mr. Roche: On a point of order—

Mr. F. McGrath: I will not accept any points of order.

Acting Chairman: The Minister should be allowed to make a brief point of order.

Mr. F. McGrath: The commission represents a stalling tactic.

Mr. Roche: It does not. To traduce the integrity of a High Court judge and five public officials, as the Deputy has done, is unacceptable. I must make this point now and will respond in detail later.

Mr. F. McGrath: I have every right to challenge the workings of a commission for which the former Minister for the Environment, Heritage and Local Government, Deputy Cullen gave the terms of reference. I make no apologies for this.

We must ensure democracy in this State and a more inclusive politics. The number of constituencies has increased to 43, including 18 three-seat constituencies, but there are still only 166 Deputies. Only 47 Deputies represent our growing capital. There was potential for anybody with vision and courage to ensure the provision of expanded representation. The commission had choices in regard to the northside of Dublin. Five seats and four seats respectively could have been assigned to Dublin North-Central and Dublin North-East. Instead, those constituencies have been ripped apart and reformed as three three-seaters, a situation which puts those outside the mainstream political parties at a disadvantage.

I will challenge the Government on these issues on the doorsteps and on the streets. It is appalling that the political parties, especially those in Government, are hijacking democracy. This has already taken place in Leixlip. Fianna Fáil has stolen the seat Deputy Catherine Murphy vacated on Leixlip Town Council, to which she was elected with two quotas. This is further evidence of that party's anti-democratic values.

I challenge the Government parties on their wealth, power and sleaze. They will be challenged in the next election and the people will have their say. The Government is worried about the rise in the Independent vote, which stands nationally at

12% and is as high as 18% to 20% in some constituencies. This legislation represents another attempt by the larger parties to bury the Independents. Since the last election in 2002, a number of us have worked closely together during the Dáil session, meeting every week to work on common issues arising from our Dáil work programme.

We challenge the conservative view in this House that Independents are powerless. On the contrary, we are here to stay and are at least as effective as other backbenchers. We have significant potential for the future. The large parties are associated with sleaze and corruption whereas working people view Independents as straight and honest. There are ex-party Members who have damaged the integrity of Independents. Luckily for us, however, the public now sees Independents as a credible alternative to party neglect. We are only answerable to the public and not to party dictates and vested interests.

Independent Deputies represent a highly credible percentage of the total number in Dáil Éireann. We earned our seats the hard way and we contribute to all debates in the House. Independent Deputies are community-based and believe in straight talk in politics. We do not demand respect but try to earn it inside and outside the House.

Independents are now in third place in opinion polls, after Fianna Fáil and Fine Gael. Dublin North-Central is now a three-seat constituency with 73,501 registered voters, which means a population per Deputy of 24,500, an increase of 3.82%. The population has increased but 10,000 voters have been removed from the constituency. A recent poll indicated that Deputy Gregory is ahead of the Taoiseach in the constituency. A people's revolution is under way. Citizens are thinking independently and voting for Independent candidates. Unfortunately, some persons in this House and in the media, the right-wing media in particular, show no respect for voters. There is much ranting and evidence of political snobbery in respect of Independent Deputies.

We must bear these issues in mind when discussing the Electoral (Amendment) Bill 2005. The main purpose of the Bill is to revise the Dáil constituencies in the light of the 2002 census and, in this context, to implement the recommendations in the constituency commission report on Dáil constituencies of 2004. The commission was established under Part 2 of the Electoral Act 1997 to report on the constituencies for the election of Members to Dáil Éireann and the European Parliament. Its 2003 report related to European Parliament constituencies.

The Bill also addresses an issue that has arisen in regard to the definition of election expenses for the purposes of the Electoral Act 1997. This is another example of the need to inform citizens about the vested interests that are funding the largest parties and one particular small party. These parties are not backed by citizens but by

neo-conservative groups. Such organisations do not exist only in the United States and the Minister is aware his party is up to its neck in this regard.

Section 1 defines "Minister" as the Minister for the Environment, Heritage and Local Government for the purposes of the Bill and provides for the interpretation of the Schedule. Section 6 addresses the issues raised by the Standards in Public Office Commission in regard to the definition of election expenses for the purposes of the Electoral Act 1997. This body does welcome and valuable work. However, there must be a universal awareness that there must be respect for citizens. I strongly oppose this legislation because it does nothing for the taxpayer.

One need only look at recent events to assess the situation. The largest robbery in recent decade has been perpetrated upon the elderly. The implications of the Travers report are devastating and amount to an admission of State-sanctioned abuse of older citizens that has gone on for three decades. Successive Governments and Ministers were well aware of the situation but buried their heads in the sand.

The people of Dublin North-Central strongly support the voters of Leitrim in their campaign for democracy and inclusive politics. Voters in the Sligo-Leitrim constituency have been treated appallingly. That constituency had four seats as did the Longford-Roscommon constituency. Now, however, the two new constituencies, Sligo and North Leitrim and Roscommon and South Leitrim, will have three seats each. With voting populations of 25,000 in Leitrim, 58,000 in Sligo and 53,000 in Roscommon, there is an automatic advantage in any election for the large parties in regard to these three-seat constituencies. No Member will be elected for Leitrim and this is not good for democracy.

This legislation is significantly flawed and there are major problems with various sections. One need only examine the details to see this is the case. I am totally opposed to it. It is flawed, undemocratic and an absolute disgrace.

Mr. Crowe: It is not just politicians who are concerned by the proposed changes. People who live in the constituencies affected are also concerned. The impression might be given that it is just a matter of politicians looking after their own jobs, but there is a wider concern about many of the changes that are being proposed. It is important to put that on the record.

We oppose the legislation because we feel it is fundamentally flawed. We have put our views regarding the constituency commission's recommendations on the record of the Dáil, and my colleague, Deputy Morgan, raised the matter on the Adjournment some months ago, at which time we asked the Minister to reject the commission's recommendations and instead introduce legislation to allow for the formation of six-seater

[Mr. Crowe.]

and seven-seater constituencies, after which the commission would be reconvened. Regrettably, the Minister has not done that.

Sinn Féin previously made a substantial submission to the constituency commission regarding the election of Members for Dáil constituencies. That submission was driven not just by the need to consider boundaries in the context of the 2002 census results. More importantly, it came in the context of what constitutes a just electoral system. Our concerns centre on the increase in the number of three-seat constituencies in the State and the proposed division of County Leitrim between the two proposed new constituencies of Sligo-North Leitrim and Roscommon-South Leitrim. It is an accepted fact that a larger constituency size enhances the proportionality of the electoral system as a whole. The recommendations in the constituency commission's report, which are to be implemented under the Bill, take the State further down the road of diluting the proportionality of our electoral system. That is not in the interests of diversity, nor is it in the interests of the people. It amounts to a mutation of the PR STV system. For a third consecutive commission, the number of five-seat constituencies has been cut, while the number of three-seat constituencies has risen steadily. Most worrying about the growth in the number of three-seat constituencies is the way in which it deals with population growth and change.

Sinn Féin is concerned that the existence of three-seater constituencies in certain areas and five-seaters in others creates inequality between voters in different parts of the State. It is discriminatory in that voters in three-seat constituencies have less chance of electing their chosen representative if he or she comes from a smaller party compared with people living in a five-seat constituency, a point Deputy Finian McGrath made very well. Members should contrast the ability of voters in Finglas and Foxrock to elect their chosen representatives in the Dáil. The people of Finglas, in three-seat Dublin North-West, do not have the same opportunity of putting their chosen party or representatives into Leinster House as the people of leafy Foxrock in the five-seat Dún Laoghaire constituency. Is it merely a coincidence that there is a proliferation of three-seat constituencies north of the Liffey, whereas larger constituencies are more common south of the Liffey? Will the people of Leitrim have any chance of electing a representative of their county to the Dáil ever again? Is the legislation restricting the size of constituencies to three-seaters, four-seaters and five-seaters a deliberate attempt by the establishment to keep the marginalised marginalised? One of the constituencies where minor changes are being proposed under the Bill is Dublin North-East, which is currently a three-seat constituency. A major new development has commenced there, in the

north area fringe, which will impact heavily on the population in that area. New developments are springing up all over Dublin, and Dublin North-West is another area where this is the case. Boundaries might have to be changed every couple of years. It would make much more sense to have larger multi-seat constituencies, which could accommodate such population shifts without having to change the electoral boundaries constantly, hence our idea of six-seater and seven-seater constituencies.

The restriction in consistency size is designed so that the constituency commission's report delivers the results desired by the larger parties, in particular the Minister's party. No doubt, the Minister will dismiss that critical flaw by referring to the independent nature of the commission. That is not good enough. The essential provision is that the commission is constrained by statute to have constituency sizes of three to five seats. The proportionality that is possible under the PR STV system in place in this State has been substantially diluted through the selective redrawing of constituency boundaries and the reduction in constituency size to three from five seats. Members used to be elected from nine-seat and seven-seat constituencies in the 1920s, when the system was instigated.

Proportional representation with a single transferable vote, PR STV, using multi-seat constituencies, is a unique system, which is hardly practised outside Ireland. It is not designed with the intention of being applied to three-seat constituencies. The number of members returned per constituency is a crucial component of the Irish electoral system. The higher the number of members returned per constituency, the greater the proportionality of the system. Sinn Féin will table amendments to the Bill to amend section 6(2)(b) of the Electoral Act 1997 to allow for the formation of six-seat and seven-seat constituencies. We should not have to do that; it should be the Minister who tables such amendments. Such an amendment would result in progressive legislation. We should withdraw the Bill until the existing legislation is amended. The amendments that Sinn Féin will table later should the Government fail to withdraw the Bill will restore the positive attributes of the PR STV system, with representatives being local and accountable and voters being able to make inter-party and intra-party choices. A larger constituency size brings extra proportionality to the electoral system as a whole. Following that change, the constituency commission could be reconvened to consider the possibility of establishing a six-seat constituency comprising the three counties of Sligo, Leitrim and Roscommon, avoiding the unacceptable division of County Leitrim between the two proposed new constituencies of Sligo-North Leitrim and Roscommon-South Leitrim. That will let us comply with the sensible terms of section 6(2)(c) of the 1997 Act, which states that "the breaching

of county boundaries shall be avoided as far as practicable.”

The Government needs to recognise that we risk losing the respect of people in areas such as Leitrim for the electoral system when it is seen to be unfairly applied in a way that prevents them from electing their chosen representatives to Parliament. That will no doubt contribute to the growing levels of apathy, and I am sure the Minister is aware of the real anger that exists throughout County Leitrim regarding the changes contained in the Bill.

I will make some final comments on Dublin South-West, my constituency. The difficulty there is the division of the Rathcoole and Saggart areas, and there is a further difficulty affecting people living in Brittas. The townland of Brittas is being cut off. Many people would say that the natural hinterland for Saggart and Rathcoole, particularly given the existence of the M50, will be Dublin South-West, particularly the Tallaght area. Tallaght South includes Saggart, Rathcoole and the area of Brittas, but some areas are not included in that.

I welcome many of the changes in my area, for instance the addition of parts of Firhouse. There has been a ridiculous situation there. At one stage, a footpath formed the division between different parts of the Firhouse area. The whole area of Saggart-Rathcoole, particularly Brittas, needs to be examined.

Mr. Cuffe: I welcome the Bill, which is essentially sensible, reflecting the exigencies of the changes in population that have occurred. I intend to support the Bill. The alternative of allowing the Minister to adjudicate on Dáil constituencies is probably not the best option. It is best that the system is independently exercised and the commission has done a good job in this regard. I recognise the concerns of the Save Leitrim campaign but there will always be winners and losers when drawing lines on a map and deciding figures. As a councillor I saw the south inner city divided into Dublin South-East and Dublin South-West. The former councillor, Brendan Lynch, advised that the best constituencies have the sea on one side because it guarantees one chunk of voters and I have taken this advice to heart.

Mr. Roche: It does not always work that way.

Mr. Cuffe: One can run into problems as a result of coastal erosion and climate change.

Mr. F. McGrath: That does not happen in Clontarf.

Mr. Cuffe: There are a number of issues which I wish had been given more attention within the Bill. The provisions for postal voting need to be modernised and considered in more detail. It is

important to know who is exercising their postal vote and that rigorous criteria be put in place.

As we move towards the enactment of the Disability Bill, one of the key factors is that everybody is treated on a fair and equal basis. Many of our polling station still have difficulties with regard to accessibility. The Minister should do his utmost between now and the next election to ensure more polling stations are accessible to those with disabilities. This measure does not just apply to election times but to the use of public buildings by people in their daily lives. We should set a timeframe for full accessibility and make sure we deliver on that commitment.

We should introduce a method of automatic registration for people on their 18th birthday. This would result in better registration for younger people. A letter sent in the post telling people about this important civic right which they should exercise would do much to promote awareness of and pride in the electoral process. Perhaps the Minister would examine how this might be arranged.

I would also like to make a plea for the co-ordination of administrative boundaries. There is a plethora of different administrative boundaries in place with regard to policing, health and planning matters. The Dublin Regional Authority produced an excellent report several years ago which drew attention to the varying and incompatible electoral boundaries. It would be an enduring legacy for the Minister for the Environment, Heritage and Local Government if he knocked heads together on the issue and contributed towards a better awareness of the problems which exist. It could be done in association with the Central Statistics Office.

Curious data are emerging either because city boundaries are not being extended or health board areas in the Dublin metropolitan area are like the segments of an orange. These are at variance with county boundaries which in turn are at variance with policing boundaries. I welcome any move the Minister could make within his limited role to address the matter. We have made progress with regard to electoral boundaries and local electoral boundaries are more closely related to Dáil constituency boundaries. The strategic policy committee boundaries of most local authorities bear a strong resemblance to either Dáil constituency or local electoral boundaries. We are moving in the right direction, but I hope the Minister would concentrate some effort in trying to advance the process.

I welcome the Bill. There are obviously winners and losers. I hope the process could be a little more transparent in future.

Mr. Dennehy: I welcome this Bill and the opportunity to contribute to the debate. It is relatively short but very important legislation. It will significantly enhance or damage the electoral prospects of a large number of candidates in the

[Mr. Dennehy.]
 next general election. However, it will also play a major role in deciding who will represent a large section of the electorate, especially those in the vastly changed constituencies.

Cynics will say that politicians do not care who represents the public once they themselves are elected. There may be an element of truth in this, but it is still important to take account of the inconvenience and concern foisted on the public following significant boundary changes. Deputy Cuffe referred to Leitrim and others will deal with that issue. I will draw on my experience to explain how public representatives and the electorate are affected by the changes recommended by the constituency boundaries commission.

I join the Minister, Deputy Roche, in complimenting all members of the commission on the work they have done. Mr. Justice Lavan, Kieran Coughlan, Deirdre Lane, Niall Callan and Emily O'Reilly faced a difficult task but did a good job. I also compliment them on taking initiatives, such as the establishment of a website to facilitate public access. This is the sort of action we require from bodies which operate in the interests of the public. They should keep in touch with the public and make it easier for people to communicate and work with them.

It is impossible to please everybody when drawing such boundaries and, while not contradicting the compliments I extended, I have concerns with regard to decisions taken in the past. The first independent constituency boundaries commission was established in 1977 by the then Fianna Fáil Government. At that time, there had been many allegations of favouritism by Ministers for Local Government when drawing new boundaries, but the efforts of the Fine Gael-Labour coalition in 1973-77 was so blatant that the public rebelled and demanded action. My constituency became Mid-Cork and this resulted in a situation whereby voters at University College Cork, based at Western Road in the city centre were voting in the same constituency as those in Ballydesmond, which has a sign which reads "Welcome to County Kerry", and Charleville on the Limerick border. That was a scandal, which has not been replicated anywhere else. If it happened in the North, an international inquiry would probably have taken place. While it was an abuse of power, the result of the elections gave the answer to that malpractice and people refused to tolerate it. The independent commission was established in 1977 for the European elections in 1979. The first Dáil boundary commission followed in 1980 and the 1997 Act established the new commission on a permanent basis.

This is the second set of recommendations from the statutory commission, which it is appropriate for us to examine. The primary purpose of the exercise is obviously to ensure that the electorate is properly represented from a numerical point of view. While this is the overriding require-

ment, it should not be the only requirement. That is my main concern, particularly in terms of how the system has operated in the past. As the Minister outlined earlier, the commission has clear guidelines in this regard. These come partly from the constitutional requirements and partly from the High Court and the Supreme Court cases to which he also referred. The results of that process are measurable and fairly transparent in that we can examine the figures for each constituency and see how they measure up against each other.

I have concerns about two other aspects of the terms of reference laid down for the commission. These relate to the requirements that each constituency shall be composed of contiguous areas and that there shall be regard to geographical considerations, including significant physical features. The latter represented my main gripe in the past.

In examining how these two requirements are dealt with, I will use the example of the constituency I know best, namely, Cork South-Central. It is a five-seat constituency which, up to now, consisted of about 63% of south city population with the remainder based in the county. In the 1991 and 2001 boundary changes, two of the parishes, Bishopstown and Glasheen, I have represented in the constituency — on the city council and in the Dáil — were split down the centre by commission decisions. They are both quintessential south side areas of the city. After the commission's recommendations were adopted, however, their residents were suddenly transformed into Cork North-Central voters.

Some 9,953 voters, equating to a population of approximately 15,000 were, after the drawing of a few lines on the boundary map, transferred from being south-siders into north-siders, which was very undemocratic. While those outside Cork would not understand the situation, it would be similar to deciding that half of Ballyfermot and half of Kilmainham would be transferred into a north Dublin constituency. Glasheen and Bishopstown are located as far south of the River Lee as those two Dublin parishes are south of the Liffey. The people there would not tolerate being described as living in a north side constituency. It has nothing to do with the value of property, it is a matter of common sense. In this case, the results of the changes involved meant a huge amount to me personally and in my professional life.

Mr. Naughten: And to Deputy Batt O'Keeffe of the Bandon Road.

Mr. Dennehy: From 1974 I was elected in five local elections. While in the first election I was the second candidate elected, in the other four I topped the poll. It was obviously a devastating blow to me in my career prospects but people may say that kind of treatment goes with the job and politicians need to put up with it. I accept that.

I am concerned that the people affected by that exercise, the electorate, could be treated in that fashion. The Minister of State, Deputy Batt O’Keeffe, who has just joined us will be aware of the political chaos for the two elections following the boundary changes. Deputy Cuffe referred to local authority constituencies being synchronised with their Dáil counterparts. In this case, the local authority representatives straddled two different Dáil constituencies, which was scandalous and chaotic and did not represent good democracy. The maps are available if people want to examine them.

The recommendation before us will comply with the terms of reference of the commission, as referred to in chapter 2.1(e) of its report, which states “there shall be regard to geographical considerations, including physical features and the extent of the density of population in each constituency.” To people in Cork, the River Lee is the major physical feature on which the city was founded. In the past one of the boundaries followed a little laneway, down which I was told a natural spring had run 50 or 60 years earlier. Perhaps it, instead of the River Lee, was selected for this reason, which was a bad mistake. I mentioned my area as an example of how the requirement can be ignored. It was the worst example I could find of the inconveniencing of the electorate since the 1975 Tully review.

I am glad the mistakes appear to have been corrected on this occasion. Following the passage of the Bill, 25,918 people will be properly redesignated as south side residents and south side voters. If these people lived south of the Liffey in Dublin and somebody decided to put them into Dublin North-Central, there would be marches on the Dáil. It was not correct for the population from the south of the city to elect a Deputy for Cork North-Central.

I know that the members of the commission are committed to public service. I make the point to them that when it comes to numbers and equal representation versus the identification of the electorate with a given geographical area such as the River Lee, greater weight should be given to the latter aspect. The commission has considerable latitude with the figures. Regardless of occasional criticism of a particular constituency, the commission should give greater consideration to the geographical location of the electorate. Politicians may come and go and we are supposed to serve the electorate. Some public representatives have been foisted on different areas as a result of boundary changes, which does not serve the public well.

Deputy O’Dowd referred to electronic voting. I can draw on my expertise of electronic voting as opposed to a manual count. While the Minister of State, Deputy Batt O’Keeffe, might correct me on this matter, I believe I am the only person in the history of the State to have overturned a declared result in a general election after a week

of counting. However, that might not have happened if we had electronic voting and the votes were counted properly in the first instance. We might not have had a week of hardship. It is an item on which I am open to persuasion.

In general, our system of voting and organising is excellent. If we had more three-seat constituencies, it might facilitate voters’ ability to live in an area with which they identify and to be represented by people they know and with whom they can identify. It gives people greater discretion. However, that is a matter for the Oireachtas to judge. If we opt for three seaters, it will be said that we are trying to knock out small parties. However, it should be examined.

As to the upkeep of registers, I agree with Deputy Cuffe that we should do much more to ensure the register is correct. Most of the staff involved have nine to five jobs and cannot visit people at home to confirm the register’s accuracy. We need to examine the issue and do as much as possible on it.

I am also concerned about the implications of postal voting. Last year, I mentioned how I received an application form from my former trade union. One was simply to put one’s name on the form to apply for one’s postal vote. Nothing else was needed, the ballot paper would be sent out and one could then vote accordingly. This year, there are fears that there may be fraud in the postal voting system given that open approach. We should examine more ways of facilitating every single potential voter, be they fishermen or people who are suddenly admitted to hospital. We should exercise our imaginations more because we currently disenfranchise between 5% and 8% of the electorate in one way or another.

On behalf the other Members and myself, I thank the returning officers and staff who have been involved in elections over the years. We have found them to be highly professional in their approach to the work. They are very committed, are able to put aside any political leanings they might have and get on with doing a good job. The election facilities have been referred to and there have been improvements, particularly with the voting stations. However, it is important that we maintain these standards and that the public should be facilitated during counts. I acknowledge the latter issue is not covered by this Bill.

In general, we have a good process. We will see our nearest neighbours’ system in operation on 5 May. It is crazy that up to 70% or 80% of the seats involved in the UK election will not change hands because of the first past the post system. We have a proportional representation system which I would eventually like to see operating with single-seat constituencies, but that is a long way down the road. However, in the interests of democracy, our system far excels the UK system. Proportional representation is probably the best of all systems.

[Mr. Dennehy.]

Personally, I prefer single-seat constituencies, but sin scéal eile. According to this Bill, each Member has an electorate of approximately 23,000 people. However, this is not the case. In a five-seat constituency, one has a potential electorate of 120,000 because of the multi-seat nature of the constituency. There are *pro rata* ratios for three and four-seat constituencies. It leads to the sort of difficulty I referred to earlier. Single-seat constituencies probably require fewer Deputies. The idea was floated at one time by the former Minister for the Environment and Local Government, Deputy Noel Dempsey. He is still recovering from the knocks and kicks he then received, but single-seat constituency proportional representation would probably be acceptable.

One small item referred to by Deputy O'Dowd concerned the issue of resolving the postal services question. Despite the Deputy's comments, I am glad the Minister for the Environment, Heritage and Local Government, Deputy Roche, took the opportunity to clarify the issue and to have it included in this Bill, rather than letting it hang on, thus raising the possibility of not having it resolved before the next election in two years' time. I welcome the Bill and I know its passage will be rapid. I sympathise with the difficulties faced by the people of Leitrim. From my experiences, I understand their fears, having had not a county but a local election constituency halved more or less overnight, which had a massive effect. I will allow their own representatives articulate their fears. I commend the Bill.

Mr. Naughten: I welcome the opportunity to speak. The Bill has been flagged for over 12 months and we have received eventually the opportunity to debate it. It is important to set the commission report in the context of the 2002 census. The population growth recorded in the 2002 census along with the new commuter culture around Dublin in particular revealed serious imbalances pertaining to Dáil representation in the existing 42 constituencies. The independent commission was established with a judge of the High Court. It set about reviewing and juggling the existing constituencies in an effort to balance population proportionality with the geographic constraints placed on it in the fairest way possible. The census highlighted a number of anomalies within the existing constituencies.

I will cite some figures from the commission report because it is important that they are pointed out. The four-seat constituency of Sligo-Leitrim comprising the two counties has been in place since 1980. Its population has increased by 1.87% since 1979 and is now equivalent to just over 3.5 seats. However, due to the 16.3% rise in the national population over the same period, the variance with the national average representation has widened from plus 1.59% in 1980 to minus

11.01% in 2002. The four seat Longford-Roscommon constituency also consists of two counties and has been the subject of continual comment. Since its initial creation in 1990, everyone who has examined this constituency has questioned the logic of having a constituency straddle a major boundary such as the River Shannon. The variance in 1996 was plus 0.9% while by the 2002 census it was minus 10.12%.

Undoubtedly, before the commission set about its work, any independent assessment of the population shifts in the various constituencies would have indicated that major changes were required. It is worth examining the figures for the constituencies that experienced major drops in population. Donegal South-West fell by over 10%, Dublin North-Central by over 10%, Dublin North-West by nearly 12%, Longford-Roscommon by over 10% and Sligo-Leitrim by over 11%. Based on these variations and the current demography as reflected in the 2002 census, it was clear to all that those particular constituencies would be examined and reviewed. There was a real risk that County Roscommon could have been split or divided based on the criteria set down for the constituency commission by both the Government and the Constitution. There was also a risk that County Leitrim would be split based on these figures.

Many Members believed there was a possibility that our constituencies would shift and change and quite a number of Oireachtas Members, along with a small number of county councillors, made submissions to the commission. The commission advertised publically for submissions and had a website asking people for formal submissions. While all the political parties made submissions to the constituency boundaries commission, no politician from County Leitrim made one. A host of organisations are now complaining about the division of Leitrim. They have an extremely valid point, their concerns should be considered and the issue needs to be considered in terms of any future conditions that are laid down for a constituency boundaries commission.

That asked why no individual or organisation in County Leitrim made a submission to the commission, based on the fact that the constituency of Sligo-Leitrim experienced a population decline of over 11% and the ratio of population to the number of Deputies. None of the organisations that were representative of the county and none of the local councillors made submissions. Only two Members of the Oireachtas from the west made submissions: Senator Leyden and myself. These submissions were probably very similar. Politicians from the affected constituencies of Longford-Roscommon, Sligo-Leitrim and Meath who made submissions to the commission were John Bruton, Senator Bannon, Senator Leyden and myself. It was obvious that changes would have to take place because of the population shifts in the affected constituencies.

In my submission, I recommended that Roscommon be returned to its geographic county, which has not been the case in numerous elections. I come from a parish where three quarters of the population vote in the new Westmeath constituency in Leinster even though they live in Connacht. The same difficulty affects people in Ballinasloe where the majority of the population in Creagh in Roscommon must vote in Galway rather than Roscommon. Every independent constituency commission has ignored the geographic boundaries of the River Shannon and the River Suck. Few people have complained about this.

The other recommendation in my submission was that the old Roscommon-East Galway constituency be reintroduced. There is considerable affinity between a certain part of east Galway and Roscommon. Many of the people in that part of east Galway would rather be included in a constituency with Roscommon. However, based on the figures it had, the commission decided not to accept that proposal. At least I made a submission and what I thought was a reasonable case. It is disappointing to see people now raising the issue with regard to County Leitrim when they did not make submissions to the commission. I am aware that my colleagues in Sinn Féin have a motion on the Order Paper today. I did not see their submission but I wonder whether it addressed that particular issue. I disagreed with my party's submission with regard to County Leitrim and put forward my own. While I accept that there are genuine concerns among the public in Leitrim that the county is being split, that it has been given a raw deal by the commission and that the public's concerns have validity, it is disappointing that no one thought it worthwhile to make a submission to the commission.

Based on the population of the new constituency of Roscommon-South Leitrim, which is the new constituency I will have to campaign in at the next general election, one quarter of the population is based in the southern half of Leitrim. This constitutes approximately a quota of votes in a three-seat constituency. There are sufficient votes in that constituency and I am sure the candidates in Leitrim, including my colleague, Gerry Reynolds, a former Deputy whose father took a seat in Leitrim in 1973, will put up a strong fight to retain a seat for the people of Leitrim in a future general election.

There is an inbuilt benefit to the Government in the layout of some of these constituencies. If one looks at the new three-seat constituencies of Meath-East, Meath-West, Roscommon-South Leitrim and Sligo-North Leitrim, there is an inbuilt benefit for the Government. Traditionally, Fianna Fáil has taken two out of three seats in three-seat constituencies. It will be a challenge fighting that trend. However, it is the electorate in these constituencies that will decide who will

represent it for the next five years after the next general election, whenever that takes place.

Roscommon has not had its geographic boundaries left intact in a Dáil constituency for numerous elections, possibly since the 1950s or 1960s. Deputy Dennehy made a very valid point regarding the river Lee and argued that we should take physical features into consideration, for example, those relating to the rivers Shannon and Suck, when forming constituencies. Regardless of whether a person lives in County Westmeath or County Roscommon in the vicinity of Athlone, he or she lives in Connacht. He or she would never associate himself or herself with Leinster, yet he or she must vote for candidates in Leinster.

From my perspective, the current proposals for a new constituency of Roscommon-South Leitrim do not suit me. I will be the most southerly Member of the Oireachtas in this new constituency. The new constituency stretches from the Fermanagh border in the north to the Offaly border in the south and is an extremely long and narrow constituency. It will be a very difficult constituency to manage and work, regardless of who is elected in the next general election. People on the periphery of the constituency, whether they are in south Leitrim or south Roscommon, will be short-changed by the new constituency's boundaries. From my perspective, it will be extremely difficult to retain a seat in the new constituency.

However, these are the difficulties with which we, as Members of the Oireachtas, must deal. We have given an independent commission the task of examining the available statistics and information, making an assessment, attempting to juggle constituency boundaries and come up with constituencies that are representative of the population.

Roscommon-South Leitrim was a constituency from 1961 to 1980. My former Fine Gael colleague, Joan Burke, was a Deputy for that constituency over a long period. Pat Joe Reynolds was also a Member of the Oireachtas during that period and was a Deputy during the Fine Gael Government's tenure from 1973 to 1977. It is a constituency which my late father fought in 1977 when he first entered national politics. I intend to give a good account of myself in this constituency in the next general election. These are the challenges with which we must deal and I hope we can repeat the trend we saw in 1973 when Fine Gael gained a seat in that constituency by taking two out of the three available. I intend to work with my colleagues to ensure this happens.

I hope that Roscommon town will have its count centre returned to it. There were centres traditionally in the Roscommon-South Leitrim and Roscommon-Galway East constituencies. When Mr. Albert Reynolds was the Taoiseach and the constituency became Longford-Roscommon, the larger county lost its count centre for some unknown reason. I am sure Mr.

[Mr. Naughten.]

Reynolds took some credit for this at the time. We want to see the return of the count centre to Roscommon town as we have the greater element of the population in the constituency.

It is not often that we have the opportunity to raise issues of the electoral register. The way some of the registers of electors are maintained and updated is appalling and something must be done. The rate collector in each local authority has been traditionally responsible for the register but it is physically impossible for many of them to handle the registers adequately owing to their lack of resources. When one is canvassing one sees new estates of 60 or 70 houses with two or three people on the register but nothing is done to address this matter. People are being disenfranchised and I hope that some mechanism can be found to counter this. People have a right to cast their votes no matter who they vote for.

Local authorities, the county sheriffs and the county registrars have been slow to introduce additional polling booths in many of these new communities and many people must trek considerable distances to access booths. This is an issue that must be examined. Criteria must be set down in particular areas governing when new polling booths are put in place. This will be more difficult owing to the Government's proposal regarding electronic voting as it will not want to spend money on more voting machines when the current ones do not work.

The most sensible argument for the introduction of electronic voting is that one would have a full count of second preferences when a surplus is being distributed rather than taking the last bundle of votes. However, the Government ignored this argument because it would be too significant a change for people. While pressing a button would be a change, apparently having a full and accurate count would be too significant a change to understand. There is no valid argument for the introduction of electronic voting except in regard to having a full count of preferences. This would be more accurate but the proposed random system gives rise to concerns. One physically sees the papers in a manual system when they are being randomly selected and distributed. One can understand that a physical transfer is taking place and how it is taking place but it will be difficult to explain to Members of this House and to the public how the random selection will be carried out by a computer or whether there will be differences between constituencies. There is only one answer to this, namely, to ensure there is a full count of preferential papers. This is the only valid argument that can be made for electronic voting and it is disappointing that the Government has ignored the issue.

I have concerns about this legislation because its revisions breach many of the physical boundaries to which I have referred. The people of County Leitrim have a valid argument on this

matter and it is a pity that no one thought about making this argument to the commission when it sought their proposals.

Dr. Devins: I welcome the opportunity to speak on this important Bill as it will affect every citizen directly in the performance of the bedrock of democracy, namely, their right to vote in the election of Members to Dáil Éireann. It is important that this right to vote and how and where the vote is exercised are essential components of our democracy.

Dáil Éireann has exercised its right to fix the boundaries of constituencies in the past but this was open to the charge of gerrymandering. Interference with the democratic process by any individual or political groups to try to improve their electoral success is wrong. It was in recognition of this possibility that the Electoral Act 1997 was passed. This ensured that an independent commission must be established by the then Minister for the Environment and Local Government once the relevant Central Statistics Office report had been published following a general census.

It is important that this commission is and is seen to be independent. To ensure this, the membership of the commission is specified in the Act. The commission must be chaired by a High Court judge, must include the clerk of the Dáil, the clerk of the Seanad, the Secretary General of the Department of the Environment, Heritage and Local Government and the Ombudsman. The commission is charged by law to be guided by certain factors, including the number of Deputies to be elected in the country, the number of seats per constituency and other factors that should be considered in so far as is practical. Any commission charged with reporting on such an important issue must be independent of political interference and, as I have outlined, I believe it is. Following the recent publication of the commission's report, there has been much discussion and some commentators purport that this commission's report was influenced by political considerations. Not only was this comment misguided, it was patently wrong.

I will now discuss the Sligo-Leitrim constituency, of which I am a proud representative alongside Deputies Ellis, Perry and Harkin. Sligo-Leitrim is a four-seat constituency and covers both counties in their entirety. Unfortunately, the actual number of people represented there by Deputies makes it the second most overrepresented in the country. The constituency is more than 11% overrepresented when compared with the national average and is only exceeded by Dublin North-West. This has occurred despite the increase in population in both counties Sligo and Leitrim and is mainly due to the country's overall increase in population, especially along the east coast.

As Sligo-Leitrim is over the 5% variance that has been used to decide constituency boundaries

since 1961, one can understand the need for a revision of the constituency. However, the breaching of County Leitrim's integrity in this commission's recommendations is more difficult to accept. Any constituency commission should have regard to maintaining the integrity of county boundaries as far as is practical. People have a great affinity with their local parish, in the first instance, and with their county. Dividing a county should be avoided, even though I am aware that this happened in the past. In Leitrim, however, it is particularly poignant because it is one of the smallest counties and has a low population base. I say this even though I am delighted to see the latter increasing.

It is particularly difficult for Leitrim people to see their county divided. The representations I have received from many people living in the county bear testimony to this. If this Bill was published by any Government without the recommendation of the independent constituency commission, I would have great difficulty accepting it. However, as I said, the constituency commission is independent of all political interference and, because of this, the Government is duty bound to accept its findings. To do otherwise would have laid the House open to the charge of political gerrymandering and would bring the whole process into disrepute.

I reiterate that I am not happy with the commission dividing Leitrim, although I understand the reasons behind its decision to take this course of action. I hope the next census will continue to show an increase in the population of Leitrim so that it will be returned to its geographical whole for the following election. I assure the House that I, as a Deputy, will continue to represent the interests of all of Leitrim and Sligo during the lifetime of this Dáil. The new constituency of Sligo-North Leitrim will be in existence for the next Dáil and if the electorate so decides, I will be honoured to continue to represent it.

Mr. Perry: I wish to share time with Deputy Timmins.

I am delighted to speak on the Electoral (Amendment) Bill. As Deputy Devins said, it is a major issue of contention in Sligo and, in particular, Leitrim. The counties furthest from Dublin suffer because of their geographical location. The decision to divide Leitrim has been attributed to the independent commission and obviously one must take its view into consideration. However, there is considerable unrest in Leitrim and Sligo in regard to the decision to divide the former.

We can continue to talk about how we value smaller counties. Leitrim is one of the smallest county but it should not be disadvantaged as a result of this decision. The Bill, however, will place Leitrim at a considerable disadvantage. It will carve it in two and will attach it to the larger counties of Sligo and Roscommon. Splitting the county into two separate constituencies of

Roscommon-South Leitrim and Sligo-North Leitrim will result in Leitrim having to fight hard for representation in the Dáil. It is well served by Deputy Ellis and was well served by former Deputy, Gerry Reynolds.

This move flies in the face of democracy. To split one of the smallest counties and to lump it in with two larger counties means that the voters of each Leitrim constituency will have to vote in favour of one candidate in order to increase their chance of getting a Deputy elected. This has taken away the democratic right of Leitrim's citizens. Instead of voting for who they believe is the right candidate and effectively working the PR system, Leitrim people will instead be forced to group together to vote for a candidate from their county simply to get what they believe is justifiably their right. Leitrim Deputies have a long tenure of service dating back to the foundation of the State.

In its terms of reference, the commission was asked to avoid breaking up counties as far as possible. This was not a flippant request. To divide a county makes no sense and presumes there is no difference between counties. The 26 counties cannot only be distinguished by football teams. They are all separate entities with their own problems and needs.

In recent years, there has been much growth in Leitrim and significant transformation as a result of the upper Shannon tax relief. This is evident from Carrick-on-Shannon to Glenfarne and right across south and north Leitrim. The development in Leitrim and south Sligo has been extraordinary. A fantastic group — the Save Leitrim group — has been operating in Leitrim. There are also the Leader partnership group, the very vibrant groups which operate under the partnership companies and voluntary groups. I take this opportunity to commend the Save Leitrim group, which has worked tirelessly to bring this campaign to the highest level. The group has given up its time to fight for rights which should be automatically bestowed on Leitrim. Last December, the group came to Dublin to ask the Minister to look again at the case of Leitrim to allow the *status quo* to be maintained.

The independent commission is beyond politics and I respect that. The Minister of State, Deputy Batt O'Keeffe, faces difficulties in his constituency, so it is not confined to one party. The decision will impact on some Deputies more than others. It is not about getting elected or re-elected but it is about the interests and the views of the constituents which are paramount.

The independent commission based its decision on population. Given the demographics in Leitrim, however, and the developments and low population base, it was astonishing that it took this decision. The status of the constituency could be reviewed after the census due to be published in 2006 but what has now been drawn is the battle ground for the next general election. The

[Mr. Perry.]

Government never had any intention of going against the conclusions of the commission, which reported in 2004. However, this move belies the great progress Leitrim has made in recent years. This progress has been made despite the fact it is the only county which, since the foundation of the State, has not had a Cabinet Minister.

Mr. Timmins: Or a general hospital.

Mr. Perry: It is the only county to be completely divided in this review. Areas of some counties, such as Westmeath, will be transferred into other constituencies. This is another statistic that can be added to Leitrim's long history of neglect and disadvantage, which has been redressed in recent years. The level of development in north Leitrim has been significant. I believe Tesco is to open in Manorhamilton. When one sees a company of that nature investing in a small town, it is a welcome sign of progress in north Leitrim.

Given that they have been marginalised for so long, Leitrim people are quite resilient. They have invested heavily in the tax breaks and the difference that has made is quite evident as one travels through the county. At a time when people are progressively losing faith in the electoral process, we risk losing people's respect from an electoral point of view in places such as Leitrim where the system is seen to be unfairly applied.

Some 15,000 people signed the petition calling for the *status quo* to be maintained and for Sligo-Leitrim to remain a four-seat constituency. We live in a democracy and the people of Leitrim are clearly telling the commission of their disappointment. There was no submission from Leitrim to the commission. Perhaps that was an oversight. How aware was the commission of developments in Leitrim and of the major handicaps it faced in the past? The decision cannot be taken lightly, although I know it is cast in stone. Politicians must listen to the people they represent. I am privileged to have been elected a Dáil Deputy alongside Deputies Ellis, Harkin and Devins. As a team, we work in the interests of the two counties. The system has worked effectively. To divide Leitrim and for the constituency to be changed to a three-seater will lead to a different and difficult campaign for candidates in the next election.

I am certain Fine Gael will not let Leitrim down. I am not saying that in a political sense. It is highly likely that a candidate based in north Leitrim will seek the Fine Gael nomination in the next general election. It is our intention to ensure that the people of the north Leitrim will have a say at the next general election and I believe they will have a Leitrim-based candidate who will have a strong chance of being elected to the next Dáil. It is important that the democratic right of the people of north Leitrim constituency, will stretch

from Kinlough up to Manorhamilton, Dromahair and Manor — the entire region of north Leitrim — and that of the people of north Sligo will be represented by a candidate from north Leitrim who will seek the Fine Gael nomination.

From what I have heard and from what I know of the sheer determination of Fine Gael activists in north Leitrim, I am confident there will be a candidate based in north Leitrim. There is a collective responsibility in that regard. People in Leitrim have a great reputation of having voted intelligently in the past. I am sure they will recognise the opportunity of giving a candidate fielded by the second largest party in the State, and based in Leitrim, a fair opportunity to be elected to the next Dáil.

As Deputy Devins said, I was given a mandate in the most recent general election to represent the counties of Sligo and Leitrim until the next general election. I look forward at that time to putting my name before the electorate to seek a mandate to continue the great task with which I have been charged. It is a privilege to be elected by the people to represent them in Dáil Éireann. It is singularly a fantastic honour, something I thoroughly enjoy. It is a privilege to serve in this fantastic Parliament, where all laws of the State are enacted that affects people in their daily lives.

An Leas-Cheann Comhairle: Would Deputy Timmins prefer to have a full-time slot as only three minutes remain in this one?

Mr. Timmins: No, I am a man of few words and I will be brief.

We are all products of our environment. This Bill, more than any other, brings home that politicians are parochial. I feel humble in the company of Deputies Perry and Ellis and the Minister of State, Deputy Batt O'Keeffe. I do not believe there are many changes proposed to the constituency Deputy Catherine Murphy represents. Representatives have experienced radical alterations in recent times with changes in constituency boundaries.

I regret that Deputy Finian McGrath is not present. I listened to some of his contribution and it was full of vitriol. I become weary of candidates being elected to this House, claiming a monopoly on integrity and honesty and having a go at the main political parties. I am sure that most, if not all, Independents are decent honourable people, as are the elected members of political parties. It ill behoves Independents to point the finger at the political parties.

When the Standards in Public Office Commission passed its judgment on election spending, I was in my office and heard that I had overspent on the election. The latter, however, was not the case. I ask the commission that before making such pronouncements in the future to check its information with the Members whom it deems have overspent in order to ensure it is correct.

The commission made errors. In addition, if it carries out investigations after an election into campaign spending, it should contact the candidates who are being investigated. It did not do that on the last occasion. I am aware that in the Wicklow constituency it contacted contractors but not any of the candidates.

I checked the information on election spending in the Oireachtas Library and I hope Deputy Finian McGrath will do so before Committee Stage. He will find that one of his Independent colleagues used more public funding than any other Member. I exclude from this Ministers, who, in many respects, were obliged to submit inaccurate figures, so to speak, because they had to provide details of square footage of offices and so on. One candidate spent in region of €15,000 to €16,000, which he was entitled to do, on Oireachtas envelopes. Deputy Finian McGrath should not make pronouncements about political parties. I look forward to him dealing with that issue on Committee Stage, particularly as he was so anxious to defend the rights of Independent Members, with the vast majority of whom I have no difficulty.

I am delighted that the commission made no change to the Wicklow constituency. That constituency comprises the county of Wicklow and a small area of Carlow — which the Leas-Cheann Comhairle once represented — for which I am grateful. More submissions were made in respect of this section of the country and Leitrim, although not as many were made in respect of Leitrim because the change that will affect that county was not anticipated. Many submissions were made in respect of the area of Carlow that became part of the Wicklow constituency. Every submission, with the exception of that which I put forward, wanted it to be returned. I stated a valid reason for my view, namely, that voter turnout in that area of Carlow increased by 5% to 6% between 1997 and 2002. One of the reasons for this is the fact that the natural hinterland of that area of Carlow is in County Wicklow. I am glad to represent those people, as are the other Deputies in Wicklow. We hope they will be treated in the same manner as people in the other part of the constituency.

I would like the Minister to bring forward, between now and Committee Stage, a proposal to limit the spend between elections. Some politicians have a great ability to fundraise. They give large donations to various groups such as sporting clubs, many of which have merit in their own right. However, I am concerned that representatives who have access to a great deal of money can make donations between elections or following the calling of an election. That would have a strong bearing on how candidates fare in an election. It is unfair that the expenditure of income between elections may influence a vote. I ask the Minister of State to consider putting a cap — of between €1,000, to €3,000 per year — on moneys

politicians donate between elections to various organisations. There is much merit in that suggestion. There is room for manoeuvre in the Bill to do it and I ask the Minister of State to consider it.

Encouraging people to register to vote is a perennial problem. Some local authorities are good at doing that, others are not so good. We have to examine best practice and try to implement it throughout the country.

Some people might find it difficult to understand but many people believe politicians know how they vote and they are subject to intimidation by certain people. It is important to get the message to the general public that nobody knows how a person votes in an election unless the person reveals that information. People are entitled to privacy in the ballot box and they should never feel intimidated into voting or not voting for a particular candidate.

Mr. Ellis: As someone who has the honour of representing the constituency that is being divided in two by the constituency commission, I probably have most to fear from its actions. However, I do not fear its actions as far as my future in this House is concerned. I am more concerned about the future representation of County Leitrim. I stood for election in the Roscommon-Leitrim constituency in 1977. After the 1977 election, there was no Deputy representing any party who was based in County Leitrim, north or south. South Leitrim was represented by two Deputies who were based in Roscommon and north Leitrim was represented by three who were based in Sligo. The position was similar with Roscommon.

The constituency commission could have avoided this problem. It had terms of reference which allowed it to increase the number of seats in the House by two but it did not exercise that power. Had that been done, Sligo-Leitrim could have remained as a constituency and it would still have had four Deputies. I must, like my colleagues in this House, look to the future. If something is not done about the tolerance levels for representation by Deputies in this House, rural areas, particularly those in the west — which has started to regenerate itself — will become increasingly disenfranchised as time goes on.

In 1960, it took approximately 16,500 people — not voters — to elect a candidate to this House. It now takes 25,000 people, which is almost a 50% increase in the number of people represented by each Deputy. We will have to face up to this problem and decide whether people are to be represented or misrepresented. This country has a history of people having an alliance with their local public representatives in the Dáil. If the current trend is to continue, people will become less closely associated with the Deputies who represent them and will feel more alienated and disenfranchised. Those responsible for setting up the next commission should review the number of

[Mr. Ellis.]

seats in this House to ensure rural areas have proper representation.

The new constituency of Roscommon-South Leitrim will stretch from the bridge in Dowra to Shannonbridge, which is one third the length of the country. This is what I will be

6 o'clock

expected to fight in the next election.

Deputy Perry will be expected to fight a constituency which is probably a little tighter, but not much tighter when one takes into account the various areas from Boyle to Enniscrone and Bundoran to Tubbercurry. This is the area we are talking about in the new Sligo-North Leitrim constituency.

I am not coming in here to cry about an electoral commission which did a bad job, but it could have done a much better job and lived with its terms of reference of respecting county boundaries if it examined the other terms of reference which meant they had a right to have 168 Members in this House. We have been disenfranchised by the commission and not by the Government or anyone else. I respect an independent commission as does every other Member. If we decide to interfere politically with electoral commissions in future, I do not want to be a Member of this House. We can all recall when there was gerrymandering. I am long enough around to remember that in the mid-1970s a Minister did a gerrymander that would ensure the existing Government was returned. However, the net result was that the outcome was turned on its head. Whatever Minister appoints the next commission, he or she must ensure that rural Ireland is adequately represented by increasing the number of Members in this House. In some of the suburban Dublin constituencies, one can travel from one end of the constituency to the other in 15 or 20 minutes. Shannonbridge is two hours drive from me. This is why the people of rural Ireland are being disenfranchised.

I came to Leinster House as a Senator in 1977 and had the honour in 1981 of becoming the first Fianna Fáil Deputy to be elected in the county for more than 20 years. I am sure people will accept that I have made a fair contribution towards improving the lot of the people I have represented for almost 30 years. I have seen Leitrim change from a place where everyone left, with the highest standard of education in the country, mainly due to the fact that their parents had no option but to educate them to emigrate. In the last Census, for the first time in more than 150 years, the population of Leitrim had increased. It did not increase by accident but because many people have done a lot of hard work. Right across the political spectrum, Leitrim came first, and it did not matter whether one was a Fine Gael representative, a Fianna Fáil representative, an Independent Member or a Labour representative. Everyone stood for the improvement of the area they represented.

I look forward to the challenge of the next general election. I look forward to trying to achieve what I failed to achieve for Leitrim in 1977, namely, to get a Fianna Fáil Deputy elected in the Leitrim section of the Roscommon-Leitrim constituency. However, I must make it clear that without the assistance of the people of north Roscommon and the area bordering the Shannon, which is much closer to me than Sligo town, I have no chance of coming back to this House to represent them.

Mr. McCormack: The Deputy will get someone.

Mr. Ellis: Small boats stay close to the shore. I am not as fortunate as the Deputy who is a single member in a five seater constituency.

Mr. McCormack: I was not made a Senator in 1977.

Mr. Ellis: I was not made one either and I have never been made one. Anytime I came to this House I was elected by my peers.

If County Leitrim is to have representation, people must vote for Leitrim candidates. I make no secret of the fact that this is the only way Leitrim will have representation. It will not matter to me whether one lives in Kinlough or Carrigallen, one is a Leitrim person. Neither will it matter to me whether one lives in Sligo or Roscommon. Once the Bill goes through, my mandate will be to represent three counties because I will have an involvement in Sligo, Leitrim and Roscommon. However, the only way to ensure this will not happen again is by ensuring that in the terms of reference for future commissions county boundaries are sacrosanct. My colleague, Deputy Cassidy, has the same problem and the Minister has a problem. While he is within his own county, his constituency has been changed. All we can do is go back to the electorate and ask them if they think we are good enough to continue to represent them in this House. We can do no more.

It is time to revisit the O'Donovan cases of 1959 and 1960. We must examine what will be tolerated in regard to representation in this House. We must consider increasing the number of seats if rural Ireland is to maintain a presence in this House. Because of the population changes that have taken place, the east and south will dominate the rest of the land mass, which should not be allowed to happen. As far as County Leitrim and its subdivision is concerned, I will make it an issue in the next election that in future Leitrim will be united as a county whether with Sligo or Roscommon. If the current population trends continue, it will take all of Leitrim and either Sligo or Roscommon to make a three seat constituency after the next revision, if it takes ten years. Imagine that land mass being able to elect only three Members to this House. This will have

to be considered by Members on all sides. It is physically impossible for the area to be represented by three representatives. The way to solve the problem is to increase the number of seats. I do not think that anyone is currently prepared to consider the possibility of single seat constituencies with a transferable vote. Despite what might be said, neither the political system nor the public will accept it at this time.

I would like to refer to a few other issues. Several Members referred to the register of voters, which is an absolute horror to those who stand in elections. In the old days, the rate collector checked who was in every house. If he did not include everyone, and one exceeded a certain number of alterations to his registers, his rates payment would be reduced. I discovered this very early on because I examined a register to which there were a large number of genuine changes. The rate collector said I cost him money. When I asked why, he said that because the register was not up-to-date, he was penalised, though the penalty was small. At the time, gardai also did a tremendous job in checking registers. Nowadays, people who do not even exist, who do not live in the area and who get voting cards are being put on registers. I often wonder how these voting cards are being used because it is becoming a problem. We may have to examine some type of positive ID system for people who vote. In the past the presiding officer who was always from the local area knew practically everyone. If there was a query about anyone, there was always someone in the polling booth to clarify who they were. Nowadays a presiding officer or poll clerk might live 20 miles from the polling booth. Voter identification must be examined because I have no doubt that impersonation has taken place in some constituencies. It is a well known fact that people were put on registers who did not even know they were on them. If it was not queried, they got voting cards and went to vote. The postal voting system also needs to be tightened because it is open to abuse. However, I do not know how this can be done fairly without disenfranchising people. In addition, opinion polls should be banned once an election is called because they can be used to cause disorientation in a constituency.

The Bill will cut County Leitrim in two and leave it with the prospect of having no representation in the next Dáil. The people of Leitrim are totally dissatisfied with the commission. They know they have been disenfranchised and that their natural hinterland has been subdivided. Leitrim and Sligo are in the same Health Service Executive area but when the Roscommon-South Leitrim constituency is created, the two parts into which Leitrim will be divided will be in separate Health Service Executive areas. These are the kinds of changes that affect people's lives.

Various agencies have always operated on a Sligo-Leitrim basis and will be affected by the

change to the constituency boundaries. I recently met representatives from one such agency and their main concern was that the area they had represented through the Leitrim partnership would be affected by its division. The Leader programmes have always had a cross-county dimension. There are Leader groups in Sligo and Roscommon — including in the Arigna catchment area which covers Leitrim — but when the changes are implemented, there will be three Leader groups within the one constituency. This poses problems for everybody and we must ensure it will not happen.

It is not possible to achieve the sort of representation people in rural areas expect without increasing the number of seats. The population is now 16.3% higher than it was in 1979 but the number of Members in this House remains the same. What organisation in the country could increase its workload by 16% without increasing its number of employees? If we were to take the population increase into account, we would need 195 Members in this House. While people might complain about the number of Deputies, they still know where they are and still feel they are doing their jobs and representing them. Members of the electorate have the opportunity at every election to throw Members out of the House if they fail to represent them.

The commission should have exercised its power to create two additional seats in the House. This would have prevented the problems encountered by me and Deputy Paul McGrath and the constituencies of Westmeath and Sligo-Leitrim could be left untouched. Roscommon could have been a constituency on its own.

Various steps could have been taken had the commission exercised its power. When the commission was announced, there was an onslaught of people asserting that the number of Members should be reduced from 166. I wonder whether people realise they are being disenfranchised indirectly by the limitation on the number of Members. They are definitely losing out and will continue to do so if what is happening continues.

Members and political parties will have to consider increasing the membership of the House at the first available opportunity. If they do not do so, even more voters will be alienated. Young people do not want to hear about politicians because they feel they are too distant from them. Each day, everyone in political life faces the problem of people feeling alienated and disenfranchised by the system.

I can understand this and can well understand why the "Save Leitrim" campaign came into being. The people of Leitrim, including me, do not want to see their county left without a representative in the House. This happened in 1977 and will happen again in 2007 if the people do not vote for a candidate from the county. Let nobody be under any illusions about this matter. We can juggle the figures and state that if certain

[Mr. Ellis.]
developments take place, a quota might be achieved. I heard somebody say there is a quota of votes in County Leitrim. However, will Deputy Perry be able to tell Fine Gael supporters they must vote for me in order to ensure that Leitrim ends up with a Deputy? I know he cannot do this and that they will not vote in this way.

Mr. McCormack: Or Gerry Reynolds.

Mr. Ellis: Or Gerry Reynolds. If I tell my people to vote for him, they will have strong views on the matter.

Mr. McCormack: One and two.

Mr. Ellis: Leitrim — which has risen from the ashes, made tremendous strides and is now becoming the envy of the rest of the country — is facing the possibility of ending up with no representation. We all know where this leads. Everybody accepts that if one is not represented in the House, one will not get one's slice of the cake. When one has representation, one will achieve something, provided one makes the effort.

I hope that between now and 2007, some mechanism will be found to review the decision that has been made. If no such mechanism is found, the only commitment I will be able to give to those I have represented for the past 30 years is that I will endeavour to return to the House to represent the new constituency of Roscommon-South Leitrim. The only way I will be able to represent them is if they decide, in sufficient numbers, that they want me to do so. Anybody who believes it can be achieved in another way is living in cloud cuckoo land. When the next commission is given its terms of reference, let it be made mandatory for county boundaries, irrespective of constituencies' tolerances, to be sacrosanct.

Mr. P. McGrath: I wish to share time with Deputy McCormack.

Acting Chairman (Mr. Glennon): Is that agreed? Agreed.

Mr. P. McGrath: I welcome the opportunity to address the House on the Electoral (Amendment) Bill 2005 and I am glad to be able to add my tuppence worth. Many of the sentiments expressed by Deputy Ellis are echoed on this side of the House and in many constituencies.

When the boundary commission was established, its job was to review the existing constituency boundaries on foot of population trends and to make recommendations for boundary changes. Its terms of reference are clearly set out in the booklet produced after its establishment. It lists the factors to which the commission shall have regard in observing the relevant provisions of the Constitution regarding Dáil constituencies. In this

regard, paragraph (c) states, "the breaching of county boundaries shall be avoided as far as practicable". What exactly does the term "as far as practicable" mean and how rigorously and strenuously should this principle be adhered to? It should be adhered to very strongly because parts of north Westmeath, including Castlepollard, Ballymanus, Fore, Whitehall, Collinstown, Drumcree, Delvin, Bracklin, part of Raharney, and Clonmellon, are to be included in a constituency with part of Meath, thus forming the Meath West constituency. The people in these villages are part of Westmeath and have been voting in their existing constituency for the past 15 years. They feel disenfranchised because they are to be shifted around, at someone else's behest, just because of numerical considerations. They feel disenfranchised at being shifted further by another's will to facilitate numbers. Many people in northern Westmeath feel lost, neglected and not fully represented because of the change in the constituency boundaries. The commission must be made to realise the importance of that feeling. These people live in, and identify with, an area but for electoral purposes are suddenly hived off to another area.

I agree with Deputy Ellis that county integrity should be an important factor in the consideration of the constituency, even if that changes the tolerance levels. The tolerance levels in Westmeath are low. Approximately 6,000 people have been shifted from County Westmeath into County Meath. That would not have a dramatic effect on tolerance levels in a Meath constituency or if Westmeath were changed to a five-seat constituency, Westmeath-Longford. There is no reason why that part of Westmeath must be hived off in that way. A future review of constituency boundaries should bear in mind what we say here.

Longford and Westmeath have a long tradition of co-operation for electoral purposes. Parts of the periphery of north Westmeath have been hived off into Meath or even Kildare. People are not happy with that. The constituency commission should also consider towns, such as Athlone which is divided down the middle by the Shannon. Part of the western bank of the river is considered as Westmeath for electoral purposes. A part of the town is absorbed into Roscommon, or in this case, Leitrim-Roscommon.

In dividing counties it would make more sense to look at urban areas such as Athlone. That would give Athlone greater integrity rather than slicing off part of a rural area to join another constituency. We should look carefully at this proposal.

I draw the Minister of State's attention to section 6 of the Bill. It addresses an issue raised by the Standards in Public Office Commission on the definition of election expenses for the purpose of the Electoral Act 1997. We need clarification on many such issues and I welcome this.

A sub-committee of the Committee on Procedure and Privileges is sitting to discuss the nature of electoral expenses and so on and is due to report its findings in June. I am not sure whether its recommendations will require the support of legislation. It may be necessary to insert a provision into this section giving the Minister power to make regulations based on the sub-committee's recommendations. The Minister of State may take advice on that before Committee Stage.

It is important to clarify for every Member what will count as expenses for election purposes. If we do not make that decision it will be made for us in the courts which will produce unworkable decisions. For example, the courts have decided that for election purposes everybody must be equal. When the Dáil is dissolved a Deputy ceases to be a Deputy and no longer has access to the facilities provided in the House. A Minister, however, retains office for the duration of the election and continues to have access to his or her Department and staff. Most of the Ministers of State have access to five secretaries in their constituency offices, with whom they can continue to work throughout the election. Meanwhile, the backbenchers are no longer Deputies.

A Senator running for the Dáil remains a Senator until the Seanad elections are called. He or she continues to work as a Senator. That is not a level playing pitch. How can the court decision be implemented? We need to be realistic about these matters and sort them out.

I wanted to make several more points. Deputy McCormack says I can keep going and he will wait for the next slot.

One assumed that with the advances in technology and the elaboration of databases that it would be almost impossible to make major mistakes in registers. This is unfortunately not the case. A street or a group of people is regularly found to have slipped off the register. They may have been on the register and voting for many years only to be suddenly left out. The facilities exist to reinstate them, and the Minister of State will tell me that the register is displayed in the post office and one should look at it there. A practical solution to this problem might be for each local authority, when the register is published on 14 February every year, to send a mail shot to everyone on the existing register. That would be an annual reminder to people of whether they are on the register. It would be very easy to do this on something like a voting card. Those who do not receive the reminder could have their names added to the register. That is the way forward.

It is sad to see people who value the democratic process and have voted for many years, turned away from the polling booth because they are not on the register. Meanwhile, some people are cleverly put on the register who may have no association with the area but have been included for personal reasons by other people.

They may have relatives in the area and spend only the odd weekend there with family or friends yet at election time they are on the register and can vote. Seats can be won or lost by ten votes or fewer in local elections. People added to the register in this way can make a crucial difference. We need to be rigorous in our examination of those and see what is happening. In the past the rate collector had a major involvement but that is no longer the case. Perhaps the anonymous society and the fact that there are so many new people are contributory factors. We do not have the same interest in it and we do not know our neighbours.

Ms C. Murphy: I wish to share time with Deputy Boyle.

Acting Chairman: Is that agreed? Agreed.

Ms C. Murphy: I welcome the Electoral (Amendment) Bill 2004 primarily because proportional representation is the cornerstone of the Irish democratic system. It is vital that we continue to review the levels of representation. The independence of the commission is vital. I am concerned at the reactive manner in which we are dealing with the Bill and its consequences, mainly because of the terms of reference.

In April 2002 when the general election was called the population of Kildare North and Kildare South, to name two constituencies, was grossly under-represented. With a population of 28,491, Kildare North had the highest rate of population per Deputy and Kildare South had a population of 26,157. Those figures deviated considerably from the national average of 23,598. The census had just been taken before the general election and there was a lead in time before we knew the figures. However, those figures were broadly known. For Kildare North this represents a variance of 21% with the national average and for Kildare South the variance stood at 11%. These figures deviate considerably from the recommended maximum disparity of 5%. In real terms Kildare North was just 1,500 short of the minimum 30,000 per Deputy set out in the Constitution. That is extraordinary given that *Bunreacht na hÉireann* allows a window of 10,000 people between the maximum and the minimum levels of representation. Those are two examples of growing constituencies. Obviously, other areas on the east coast have the same difficulties.

It is possible given the right set of circumstances or the wrong set of circumstances for Kildare North or any other rapidly developing constituency to breach the constitutional provision where the maximum threshold is concerned, in view of the time it takes to introduce legislation to reflect the census figures. Extra tolerance should be built into the terms of reference to safeguard against this happening.

We are three years on from the 2002 census figures and given the continued rate of popu-

[Ms C. Murphy.]

lation growth in Kildare, primarily Kildare North, it is hard to imagine how the constituency could not be in breach of the 30,000 constituents per Deputy limit set out in the Constitution. We have only to look at the rate of house starts in 2002 contained in *Housing Times*, a copy of which all public representatives get regularly. It gives the house registrations by Homebond but they are only some of the house starts. Since 2002, 7,492 additional houses have been constructed. Assuming that only half of these are in Kildare North and that the occupancy rate is approximately three persons per household, which is the average used by local authorities to calculate a range of issues, the figure brings the number of constituents per Deputy to 24,118. If one assumes the same rate of growth for the next two years, given the level of planning applications and houses under construction, and factoring in the 9,554 persons who are to be transferred from Kildare South to Kildare North, the ratio will be worse than at present before the next general election. Using those figures the number of constituents per Deputy will be just short of 29,256 and only 743 short of the absolute minimum level of representation per Deputy as stated in the Constitution. That is dangerous in terms of knowingly entering into a revision that is likely to breach the constitutional provisions. That is a good example of where it can happen.

Kildare South, because of its level of growth and the fact that it is a three-seater constituency, is at risk of breaching the 30,000 limit. The potential for challenge is, therefore, entirely predictable. This is hardly the way to plan for a fair level of representation. Given the length of time following the census returns and the passing of legislation to allow constituency boundaries to be redrawn, account should be taken of rapidly growing areas and some tolerance levels should be built in, otherwise we will run into difficulty.

These constituencies are constantly playing catch-up in terms of the level of representation. It would most efficient and equitable for us to use population projection figures from the CSO which would give some guidance to the independent commission. It is difficult to stabilise a constituency or county which is continually growing and whose boundaries are continually changing. Parts of Kildare have been included with Wicklow, parts of Meath with Kildare and parts of Kildare with Dublin. Parts of Kildare North will move to and from Kildare South over the next couple of elections. That does not help the public's understanding of who is their public representative. It is a destabilising factor and does not help in regard to turnout at elections and so on. A tolerance level is important from that point of view.

The Bill upgrades Kildare North to a four-seater constituency, subject to the boundary alterations from Kildare South. The change is insufficient to deal with the difficulties that will arise.

A boundary adjustment could and should be made. If we were to get two four-seater constituencies in Kildare one would still be within what is set out in the Constitution at 20,493 persons and it would avoid the threat of a challenge.

The issue of the electoral register is raised after each local and general election. For example, Maynooth has a transient population by virtue of the fact that it is a university town. Right across the political parties there is a consensus about the level of error on the electoral register. With 7,500 people registered, the number of errors is judged to be in the region of 1,500. This is absolutely ridiculous. It is the worst example in my constituency but it is not the only example. Fingers have been burned, a lot of money has been lost and the electronic voting system has been a fiasco. The possibility of voluntary electronic registration of voters should not be ruled out. Many people have access to the Internet. The use of proper safeguards such as PPS numbers could be considered. When I made inquiries in the past I was informed a national database would be required but such a database exists in the control of the local authorities. It could be flexible enough to allow for one litir um toghchán to be sent to each household rather than one to each voter. Safeguards will be required to protect the system from abuse.

I concur with other speakers on Friday voting that it has hindered rather than helped. It reduced the number of people voting in the by-election. They were delayed in late traffic and many people regard Friday as the end of the working week. I do not think it has worked and it should be re-examined.

Mr. Boyle: I have heard disappointment expressed by other speakers that the boundary commission has chosen not to suggest an increase in membership of the Dáil by a further two Members. The constitutional provision suggests there should be a Member of the Dáil for every 20,000 to 30,000 of the population. It could have been just as in order for the boundary commission to suggest the 30,000 figure be applied which would mean a Dáil of 110 Members. While many Members would be fairly horrified at such a proposal I suspect many people outside this House would think it a very agreeable proposition. Larger membership of the Dáil would allow for a degree of proportionality that would not otherwise exist in terms of the representation of smaller parties and Independent Members. This is more difficult to achieve with a smaller Dáil.

Membership has risen from 138 to 147 to 166, reflecting the changes in population. Our system of proportional representation, which we only share with Malta, brings about a fair but not a pure degree of proportionality. Smaller parties and Independent Members still have a smaller representation in this House than their votes would indicate. The larger parties are given a bounce from the transfer of votes to which their first preference votes do not entitle them.

The last election was probably the first time when a fair degree of balance was achieved

between the proportion of votes and the proportion of seats in any given Dáil.

The commission's recommendations have been largely met with approval in the House. A number of issues have caused distress in certain parts of the country. There is an identification with the county system but this system is not particularly native to the country, having been introduced by the British colonial administration. The identification with the county system has developed in the past centuries.

Other political systems identify their constituencies by region or by a key urban centre. It could be that in the future, we may move away from the county-based system of constituencies towards a system based on key urban centres. For instance, Deputy Catherine Murphy may not be representing Kildare North but rather Leixlip, depending on how such a constituency might be titled.

The terms of reference of the commission stipulated that it remain within three, four or five-seater constituencies. Dáil elections in the past have been held in nine, eight and seven-seater constituencies. Such constituencies provided greater proportionality. This Bill is disappointing in that it increases the number of three-seater constituencies. They benefit the larger parties to the detriment of smaller parties and Independents and are detrimental to the voters. I hope the terms of reference for the next boundary commission will specify a preponderance of five-seater constituencies and consideration should be given to constituencies of even bigger seat numbers to allow for better representation. The greater Dublin area would be better and more proportionately represented if these criteria were applied.

The most disappointing aspect of this Bill has nothing to do with the boundary commission. It is the custom in the United States Congress to tack a rider dealing with a pay increase for its members onto a Bill dealing with horse riding, for instance. Likewise the Government has decided that as well as dealing with electoral boundaries, constituencies and the number of representatives, consideration in this Bill should be given to extending the allowed expenses for election candidates. Many of us consider those expenses are far too generous. In the last general election I spent half of what was allowed in my constituency and I had spent twice as much as I had ever spent in any previous election campaign.

It is one of the richest ironies of Irish political life that political parties and politicians aim to convince voters that somehow the best and most responsible people to run our society and economy over a period of four to five years are those who are prepared to be the most wasteful of expenses when getting themselves elected. This is a horrible message to send out as a measure of the quality of democracy in this country. I hope this aspect of the Bill will be strongly challenged on Committee Stage and will be amended, not that I expect the Government parties to be amenable to amending that provision. I do not predict any suggested changes from either side of the House in terms of the boundary commission. The

Government should take notice that it is a deceit and a tacky practice to insert in this Bill an aspect of electoral law that has nothing to do with the findings of the boundary commission and on which it should be challenged.

Significant changes have affected my constituency. This Bill will afford me the opportunity to vote for myself in the next election. The electoral boundaries in Cork city have been divided in an arbitrary manner for the past number of elections. Those familiar with the geography of Cork city will know that I live in one of the most southerly parts of Cork city yet for electoral purposes it has been deemed to be in Cork North-Central for the past few elections. I welcome the decision to use the north channel of the River Lee as a natural boundary. This will help those of us who represent the city on a type of flow-over basis to do so better in future electoral contests. The upshot of this, however, is that a major urban area is being moved to another constituency. The Minister of State's colleague at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, will be either the beneficiary or victim of this in that his base of Ballincollig will move to the constituency of Cork North-West. The character of this constituency will be changed dramatically from largely rural and conservative to one which will be very mixed and containing a major urban centre.

These changes put an onus on those of us representing the constituencies that will be most affected in that we have a mandate to represent the constituency for which we were elected in the Dáil election of 2002. However, we also have an expectation to represent the areas that will be newly part of our constituencies at the time of the next general election. The constituency I will seek to represent, for example, is a type of Venn diagram of the old and the new, possibly representing some 140,000 people and upwards of 70,000 voters. I do not know whether this can be catered for in some way by the Government but some Government Members will be in a similar position.

This debate affords us the opportunity to put these concerns on record for voters. As my colleague, Deputy Cuffe, said, the Green Party supports the principle and recommendations of the constituency boundaries commission. However, we will argue against the amendments to increase allowable expenses, which we consider utterly unnecessary, on Committee Stage.

Mr. McCormack: The main purpose of the Bill is to revise the Dáil constituencies in the light of the 2002 census and, in this context, to implement the recommendations in the constituency commission report on Dáil constituencies of 2004. The commission was established under Part 2 of the Electoral Act 1997 to report on the constituencies for the election of Members to Dáil Éireann and the European Parliament. The Bill also addresses an issue which has arisen in regard to the definition of electoral expenses.

The trend in this debate has been that Deputies whose constituencies are not affected or who may gain some advantage from the commission's

[Mr. McCormack.]
 recommendations have very much welcomed the Bill, while those for whom the report's recommendations in respect of their constituency's boundaries seem to put them at a disadvantage have vigorously condemned the Bill and the process by which its provisions have been devised. I have no personal axe to grind in this regard.

This is the first occasion on which there has been no change in the five-seat constituency of Galway West since its formation in 1981. Since I was first elected in 1989, there has been some change in the constituency at every election. Headford, Caherlistrane and Claran have variously been part of both Galway West and the Mayo constituency since 1989 and have been in the Galway East constituency since 2002. Areas such as these are significantly disadvantaged in being moved from one constituency to another and even from one county to another.

In his passionate contribution, Deputy Finian McGrath questioned the independence of the commission. I accept the Minister's word that there was no political input into its report and that he had no personal influence in this regard. However, I wonder if the commission's report was considered by the former Minister before it was agreed by the Government. While I take this Minister's word on the issue, I might not take the word of some of his predecessors. With the exception of Deputy Ellis, all the Government Members who have spoken on this Bill have welcomed the commission's report. Irrespective of our positions, however, we must go by what the public believes and there is a general perception that the Minister and Government of the day have some say in the commission's recommendations. This is an issue we must tackle.

Over the last 30 years, on the occasion of every revision of constituencies since I entered the House, and indeed since my term as a county councillor when county boundaries were redrawn, I made detailed submissions which included maps, figures and population data. On each occasion, however, the commission did the opposite to my recommendations. In this instance, however, I made no recommendations and find I could not be more in agreement with its report. I can only speak from my experience but the commission never took heed of any of my submissions. Deputy Naughten said earlier that his detailed submissions were not borne out in the latest report but I cannot say whether this has been the general experience.

I am not entirely pleased with the commission's recommendations. I received a letter from members of the Save Leitrim campaign in which they expressed a desire to meet the Oireachtas Committee on Environment and Local Government, of which I am a member. I would be delighted to meet them but I may as well inform them that such a meeting would be a waste of time. Deputy Ellis made a passionate contribution on the case for County Leitrim during which he observed that the county was not represented in 1977 because it was divided between Sligo and Roscommon. However, he was lucky enough to be elected to the Seanad in 1977 which

meant County Leitrim was represented at Oireachtas level. I was also a candidate in the 1977 election in what was then the Galway-Clare constituency but I had to bide my time and it was five elections and 12 years later before I entered this House.

If Deputy Ellis is serious about representing the view he so passionately expressed, he should simply vote against the Bill. It is his duty to do so. He owes it to those voters involved in the Save Leitrim campaign to vote against every Stage of this Bill or to table an appropriate amendment. Everybody understands he is entitled to do so because of his passionate commitment to County Leitrim. He is obliged to take such action and there is nothing to prevent him voting against the Bill on Second Stage to demonstrate his dissatisfaction with the commission's decision and to show the Minister he will not accept the division of Leitrim without protest.

Other Members referred to the register of electors. The last election in which I canvassed was the *Údarás na Gaeltachta* election in Galway some weeks ago. For urban areas within the Gaeltacht, including parts of Galway city, Knocknacarra and Tirellan Heights, the register is entirely out of date and must be rectified. There was a provision for putting people on the register within 14 days of an election. There should also be provision to take people off the register within 14 days if they are not living at the address under which they are registered, which can be discovered on the canvas.

Debate adjourned.

Private Members' Business.

Class Sizes: Motion (Resumed).

The following motion was moved by Deputy O'Sullivan on Tuesday, 26 April 2005:

That Dáil Éireann:

noting,

- the educational needs of children are more difficult to meet in large classes;
- the Government has reneged on the commitment contained in An Agreed Programme for Government that the average size of classes for children under nine would be brought below the international best-practice guideline of 20:1;
- there are more than 100,000 primary pupils and 35,000 second level pupils being taught in classes of 30 or more;
- Ireland has currently the second highest average class size in the EU and that there has been no improvement over the past three years;

- there are significant numbers of graduate teachers who cannot get full-time jobs; and
- additional teachers are also urgently required to meet the needs of pupils with special educational needs and those from disadvantaged areas;

calls on the Government to:

- set out a timetable for meeting the commitment on class sizes given in An Agreed Programme for Government within the lifetime of this administration and to put in place the steps needed to ensure the recruitment of the additional teachers required and the provision of the extra classrooms required;
- reduce maximum class sizes to 25:1 in mainstream classes, 20:1 in disadvantaged schools and 15:1 in schools where there is chronic disadvantage; and
- sanction the appointment of additional special needs teachers to meet current needs and to implement the terms of the Education for Persons with Special Educational Needs Act 2004.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

- “— commends the Government on the significant additional resources provided since 1997 for the educational system generally and for the education of disadvantaged pupils and those with special needs in particular;
- recognises that there are over 400,000 more teachers in our primary schools and over 2,000 in our post-primary schools than there were in 1997;
- notes the cost of posts already provided;
- acknowledges that these extra teaching resources have been used to reduce class sizes, to tackle educational disadvantage and to provide additional support for children with special needs;
- acknowledges the six-fold increase in the provision for expenditure on school buildings compared to the amount in 1997;
- acknowledges the significant increase in the number of teacher training places provided in the Colleges of Education and the resultant drop in the numbers of unqualified teachers in our primary schools; and
- notes that the Government is committed to reducing further class sizes with

priority given in the first instance to pupils in disadvantaged areas.”
—(Minister of Education and Science, Ms Hanafin).

Mr. P. Power: I propose to share time with Deputies Nolan, O'Connor and Michael Moynihan.

Acting Chairman: Is that agreed? Agreed.

Mr. P. Power: Unfortunately, there is nobody on the Opposition benches — nobody from any party other than my party — to engage in this debate. Although you cannot make a judgment on that, we all agree it is unfortunate the party proposing the motion and the parties supporting and speaking in favour of it are not here to listen to some opposing views in defence of the Government's long, proud record on education. I make that point because the record sometimes cannot convey that. I am now delighted to see my constituency colleague from the Labour Party, who proposed the motion, joining us.

Ms O'Sullivan: I am sorry I am late.

Mr. P. Power: I compliment Deputy O'Sullivan and the Labour Party for proposing this motion. The discussion is timely. Any time is a good time to discuss education. There is a much greater appreciation and understanding now for the importance of education in people's lives and in the development of young people's lives, and for the importance of education in developing a good, long-term career. That is why parents invest so much time and money in educating their children. Anybody who has seen the recent coverage in the British general election campaign over the past few days will appreciate its enormous focus on education, which is to the forefront of political discourse not just in this country but in other countries.

Before dealing with the cold, hard statistics of class sizes and pupil-teacher ratios, it is important to examine the environment and context of the debate not just on class sizes but on education in general. There is a much wider, more holistic dimension to the education debate than mere class sizes. That is not to suggest class sizes are not important, but it is wrong to discuss the great issues of education in such a narrow context or with such a narrow focus. That is not to detract from the motion. The Minister of Education and Science very ably set out a fine defence of the Government's position last night. The motion does not recognise the reality of the education debate that is taking place in people's houses, in classrooms and in staff rooms. Issues such as the function and role of teachers are important, and the increasing difficulty getting male teachers to join the education system is a major problem. There are also issues around the built environment of schools, the syllabus and educational disadvantage.

We should discuss the situation of real people facing educational disadvantage before we discuss the numbers, with some children not even getting into the classroom. Their parents, schools and

[Mr. P. Power.] teachers might not even have a debate on how many people are in the classroom. In many areas in Limerick, in my constituency, as Deputy O'Sullivan will be aware, the debate is not on that. The debate is on whether we can get the children into the classroom in the first place. Surely that is the context in which we should be debating matters of real education. Let us argue about how many people are in classrooms afterwards. In many cases in my area, there are difficulties getting the children there, and we need to discuss that.

I had the privilege of serving on the governing authority of the University of Limerick for a number of years. It was clear from the statistics that came before the governing authority in UL that very few people from disadvantaged areas in Limerick were there. We have a greater proportion of disadvantaged and socially excluded areas. They exist in a small, concentrated area compared with the rest of the country. The big debate in UL is not whether we are taking in students from big, small or medium-sized classes; the big debate at governing authority level is how to get students from disadvantaged areas into schools situated there. Those are the real issues.

Nobody can discuss class sizes without discussing the size and condition of the classrooms and the schools where they are situated. It is a far too narrow debate merely to discuss the number of people we can cram into a class, and I acknowledge that they sometimes are crammed into classes. I would prefer to discuss problems such as leaking roofs in those classrooms or the lack of appropriate information technology to support them. With all due respect to the motion's proposers, and although the discussion is timely, to divorce the size of classrooms from class sizes is to introduce a far too narrow focus to the debate. If we seek to reduce class sizes and to increase the number of teachers, surely we need more schools——

Mr. F. McGrath: Small class sizes are good for education.

Mr. P. Power: We need more schools.

Mr. F. McGrath: They are good for education.

Acting Chairman: Deputy Power, without interruption.

Mr. P. Power: I acknowledge Deputy Finian McGrath's interest and expertise in this area. As an objective observer, however, I suggest that the proper debate would be to ask whether we should have more classes, before we debate how many people should be in them.

Ms O'Sullivan: If we had more classes, there would be fewer people in each of them.

Mr. P. Power: I fervently believe, and have done for a long time, that before we ask whether the ratio should be 10:1, 20:1 or 30:1, or whether the class size is 25 on average, we should have a

debate on other issues such as the built environment and the quality of the environment in which teachers teach.

Let us not get away from the reality that we are in the middle of the largest, most sustained period of building in education that this State has ever seen. The subject of class sizes has a part to play in that, but it cannot be divorced from the fact that enormous resources are now being pumped into education. We cannot divorce the motion from the issue of special needs education. Parents and teachers in my area tell me they want the issue of extra resources, teachers and special needs assistants to be put ahead of class sizes. They say the ideal world would have unlimited school and classroom sizes. However, politics is about priorities and directing our resources in the correct way. Teachers are telling me that is where they would like resources to be prioritised. For that reason, I fully support the Minister's focus on that area.

The motion is fine, but it is far too narrowly focused. It does not take into account——

Ms O'Sullivan: On a point of information, the motion supports special needs. That is one of the points in the motion.

Mr. P. Power: I accept that. It is one of the last points that it contains.

I will make one final point, and I am delighted that Deputy Enright is here to listen to it. Her colleague, Deputy English, made a point about this last night, and he produced a whole pile of figures to support his argument, which I doubted at the time, and about which I questioned him in the Chamber. He suggested that the last time Fine Gael was in power, the Government spent more on education as a percentage of gross domestic product, and he produced graphs and so on to show that. The rainbow coalition spent 4.5% of gross domestic product on education. On the back of a large increase in GDP, this Government is spending 5.3%, which represents an increase of almost 20%. We can argue about class sizes and investment in resources, but the Government's focus in the past seven years has been on pumping a huge amount of additional resources into education and I compliment the Minister on her sterling defence of the motion last night.

Mr. O'Connor: I am grateful to say a few words on this important motion and compliment Deputy O'Sullivan and her party colleagues on giving us the opportunity. In addition to Deputy O'Sullivan, I acknowledge the other experts present in the House such as Deputies Enright and Finian McGrath, who I have known as a great teacher for a long time, as well as Deputy Crowe.

It is important to support what the Minister is trying to achieve. I am happy to acknowledge the presence of the Minister of State, Deputy Lenihan, who is a regular visitor to Dublin South-West and Tallaght in particular. He visited St. Anne's national school in Tallaght last week and saw for himself the positive work being done in a disadvantaged area. I am sure he gave a very

good report to the Minister. He met a number of young people from different schools in Fettercairn, Killinarden and Brookfield. It is important to remain positive about what is being achieved in our schools.

I support the Minister's efforts to reduce class sizes because that is what we should be doing. We should give every possible opportunity to young people to progress. My generation perceived schools as tough, yet I did well out of my school days and childhood. Some Deputies might disagree. I was educated by the nuns in Clarendon Street and the Christian Brothers in Synge Street and Drimnagh Castle. I look back on my school days as a very positive experience and it is important that people do so.

St. Marks' junior and senior schools in Springfield, Tallaght, have been operating since 1973 and have provided a tremendous service to young people in the catchment area over that period. The junior school predicts that in the next year academic year it will have between 500 and 530 pupils, 200 of whom will be non-nationals. The senior school predicts it will have 400 pupils, 140 of whom will be non-national. The schools point out that the majority of their international students do not speak English as their first language. Children from 32 different countries now attend my local schools and hail from Angola, Albania, Bulgaria, Bangladesh, Bosnia Herzegovina, Cameroon, China, Congo, the Czech Republic, Egypt, Ethiopia, England, India, Ireland, the Ivory Coast, Jordan, Latvia, Lithuania, Moldova, Nigeria, Oman, Pakistan, Poland, Portugal, the Phillippines, Russia, Romania, Somalia, South Africa, Ukraine, Yugoslavia and Vietnam.

This clearly represents a major challenge for my local schools. The principals tell me that the majority of international students live in private rented accommodation and their families are fully reliant on social welfare. This puts considerable strain on school finances and the schools do not have a home-school-community liaison teacher. They are trying to deal with the avalanche of day to day social, emotional and psychological challenges that accompany relocated people. No interpreters are available to the schools and the cost of employing one is beyond their means. They struggle to maintain educational standards and standardised tests show just how poorly many of the children perform when they seek to understand the finer points of the English language. If it were up to any of us, we would still be speaking Irish. However, that is another day's debate.

The Department of Education and Science must take account of the challenges presented by non-national pupils in schools such as St. Mark's in Springfield. The schools request that English language support be provided for more than two years. Some of the children entering the senior school in fourth class have never been to school before and supports cannot deal with their needs within two years. Three teachers in the junior school are attempting to support the language needs of 170 international pupils, which represents a ratio of 56 pupils to each teacher. Three

teachers in the senior school are attempting to support the language needs of 110 non-national children. The ratio of resource teachers to pupils in respect of children from the Traveller community is 14:1, although I do not mean this as an unfair comparison. Many people are beginning to wonder about the Department's approach in this regard.

Some 25% of the pupil population in Springfield are non-nationals. It is very difficult for the schools to have a long-term plan for the children because they must apply for the resources year on year. The average class size in the two schools is 30 pupils per teacher, with approximately ten non-national children per class who do not speak English as a primary language.

I do not want to distract from the other points on the motion, but it is important for me to make this particular case. I have visited schools in my constituency in Tallaght, Firhouse, Greenhills, Templeogue and Brittas and seen that it is becoming more of a challenge. We must all as politicians support our local schools because they provide a tremendously valuable service. They look after our young people in a very challenging world. Young people throughout Ireland are being very well educated and it is important that the Department looks at what is being done as well as the challenges presented by the non-national community. I hope the Minister of State takes account of what I have said and passes it on to the Minister.

The Minister of State witnessed for himself the positive work that is being done in Tallaght. It was an amazing time. Anybody familiar with the schools in their constituencies will agree. We must take account of the Minister's amendment. She is acknowledging the need for the Government to continue to provide significant additional resources. Other people have made political points so there is no need for me to do so.

Mr. F. McGrath: When will it happen?

Mr. O'Connor: Fianna Fáil Deputies will not take lectures from people with regard to resources.

Mr. F. McGrath: Can we have a timescale?

Mr. O'Connor: The resources are being provided and Deputy McGrath knows that from his work. He did a tremendous job in a disadvantaged school and received a great deal of support and resources.

Mr. F. McGrath: The battle goes on.

Mr. O'Connor: Let us not be afraid to acknowledge the good that is being done while at the same time, in a positive way, make the case for more resources, as I am doing.

Mr. F. McGrath: That is what the debate is about.

Mr. O'Connor: I am proud to be in Fianna Fáil and to support this Government.

Mr. F. McGrath: It cannot deliver. Look at the motion.

Mr. O'Connor: I am still prepared to raise the issues, but people locally will say that the Government is delivering. Everybody is entitled to their perspective.

Mr. F. McGrath: Look at the facts and figures.

Mr. O'Connor: Things are happening. I look forward to supporting the Government amendment and thank the House for its forbearance.

Mr. Nolan: I welcome the opportunity to speak in this debate and I commend the Deputies who tabled the motion thus affording us backbenchers on the Government side the opportunity to speak to it. It is important to realise that significant progress has been made in the area of education and particularly in primary education since 1997. The pupil-teacher ratio has been a hot potato for many Governments in the past ten years. However, since 1997 the pupil-teacher ratio has reduced. Perhaps it has not reduced as much as many of would like and all Deputies have been lobbied by a number of schools in their constituencies to address the problems of high pupil-teacher ratios. Anybody involved in politics for more than ten years can see the improvements made, not just in primary education but also in secondary and third level education. Huge resources have been invested and I commend all Governments in the past 20 to 25 years for their commitment to education, which has paid off. We have seen the success of that investment in the upturn in the economy since 1987. Without the investment made, going back to the time of Donogh O'Malley, we would not have benefited from the upturn that has occurred.

Since 1997, some 4,000 additional teachers including almost 2,000 resource teachers have been employed. These additional teaching posts have been used to reduce class sizes, tackle educational disadvantage and provide additional resources for children with special needs. On more than one occasion the Minister has outlined the Government's philosophy and thinking on spending. The Government's spending has been focused on the area of disadvantage, about which nobody can complain. The pupil-teacher ratio has also fallen from 22.2:1 in 1996-97 to 17.44:1 in 2003-04. The average class size has been reduced from 26.6 in 1996-97 to 24 in 2003-04. Significantly smaller class sizes have been introduced in disadvantaged schools involved in the Breaking the Cycle programme, with approximately 47,700 pupils in 243 participating schools availing of reduced class sizes of either 15 or 20.

I wish to highlight an issue that is evolving particularly in counties adjacent to Dublin, where we can see the effect of our economic success. Many people are moving out of the city and are purchasing houses in formerly rural areas. Developers have a role to play in this matter. In my constituency developers may be granted planning permission for 100 or 200 houses in a small rural area. The local authorities are providing the

infrastructure, including water and sewerage. However, because of the capital investment required for a new school or new classrooms in existing schools, the Department is coming under considerable pressure following the construction of such new developments to provide facilities and teachers. We all know that developers are making significant profits given the strength of our economy. The Minister should consider working with the Department of the Environment, Heritage and Local Government to oblige developers to construct an additional classroom or two additional classrooms as a requirement of planning permission granted to them. They could well afford to do so. The onus would then be on the Department to provide the teachers. In this way we could provide an integrated plan for many of our small rural villages and towns.

It is widely acknowledged that the Minister, in her role as Minister for Education and Science, is benefiting from her experience as a teacher. The Minister is doing her best with the resources available to her, which are significant when compared with those available ten or 15 years ago. I wish the Minister success in her programme of investment in education, particularly at primary level.

Mr. M. Moynihan: I welcome the opportunity to speak in this debate. In my sixth class in the national school in Boherbue we had 43 pupils, 24 boys and 19 girls. That was a while ago and things have improved since. We can all make political points about what has and has not happened. However, we must accept that much has changed in the past ten years in the education system particularly in primary education. I pay tribute to the teachers who have adapted to changes in curriculum, in parents' expectations and in the implementation of the education system. Primary education has changed completely in the past ten or 15 years. Deputy O'Connor mentioned students from 25 nationalities in a small number of schools and I welcome these changes. It is great that Ireland is becoming a multicultural society and the State must provide for such students. I acknowledge the pressure on teachers in those schools. Anybody involved in primary education or any aspect of education would see that.

I could trot out the figures for the additional teachers and special needs assistants employed since 1997. In the past only FÁS provided funding for a special needs assistant and now this is done through mainstream funding from the Department of Education and Science. I am proud of all these changes following lobbying by politicians. We need to continue to ensure that more funding is given to education. In some of her speeches since being appointed to the Department of Education and Science, the Minister has clearly stated that she is seeking further resources to ensure we have the best possible education system. Considering the social deprivation and disadvantage in our society, much remains to be done in the education sector, housing etc. to ensure people do not fall into poverty traps.

We need to maximise our investment in the primary and pre-primary sectors. Many social problems have developed over generations and it will take much more than reducing class sizes to tackle them. We need more resources to reduce class sizes. We must accept that much has changed in recent years and that extra resources have been allocated to the sector. We must continue to ensure that further resources will be allocated to reduce class sizes and to ensure the proper buildings are provided. With the explosion in the population the facilities in all schools are now inadequate. While we have additional teachers, including remedial resource teachers and extra-curricular teachers, the facilities are not in place. As Deputy Nolan has said, it may be time to look for a contribution from some of the developers who are making huge money to fund additional facilities in schools throughout the country. The problem does not just exist in the commuter belt around Dublin but throughout the country. In every small town and village facilities are bulging at the seams and need to be extended. Since 1997, we have put enormous resources into class sizes and into disadvantage in primary education and the education system in general. We have more to achieve and need to put more resources into the system. I know the Minister will endeavour to do that and I wish her well.

Mr. Gregory: I wish to share time with Deputies McGrath, Healy, Connolly, Gogarty and Crowe. Ba mhaith liom tacaíocht a thabhairt don tairiscint thábhachtach seo i dtaobh chursáí oideachais, go háirithe ós rud é gur iar-mhúinteoir mé, ach freisin toisc go bhfuilim i mo Theachta do cheantar i lár na cathrach seo, áit nach bhfuil an deis chéanna ag páistí scoile dul chun cinn a dhéanamh chun oideachas tríú leibhéal a bhaint amach. In the two minutes available to me, I wish to put on record my absolute support for this important motion on education and class size. It is clearly a very black mark on the record of the Irish State, that after the years of the Celtic tiger, with huge budgetary surpluses and the continuing economic boom, Ireland remains with the second highest average class size in the European Union, despite the commitment in the programme for Government that class sizes would be progressively reduced to below the international best practice of 20 to one.

I represent the north inner city of Dublin, as does the Taoiseach. Regrettably, it is a byword for educational disadvantage and ironically is the area where the office and headquarters of the Minister for Education and Science is located. I remind the Minister that the most recent study by the Higher Education Authority yet again demonstrates that the issue of access to third level education remains particularly bleak in the north inner city, with fewer than one in five school leavers going on to third level colleges. In some communities in that area, not a single child gets to university. This will not be rectified until the issue of class size at primary level in particular is addressed. Those few schools lucky enough to participate in the Breaking the Cycle programme see the real benefits of smaller classes for

disadvantaged children. Even there however, the reduction of class size is only at junior level. Classes often double in size in the same schools at senior level. What chance do these children have to break out of the cycle of disadvantage? I sincerely hope this Government will now belatedly honour its commitment on class size and that the Minister, who has voiced her own concern on disadvantaged education will make a real impact in this much neglected area.

Mr. F. McGrath: This is an important motion. I declare a special interest in that I have been a teacher for more than 20 years and am still a member of the INTO. I am always honoured and privileged to represent the INTO view in the Dáil and will continue to push the case for education, the importance of teachers in society and their valuable role in the community. It is essential that this House notes that Irish primary schools have the second highest class size in the EU, that no improvements in mainstream class size have been made in the past three years and that additional teachers are urgently required to meet the needs of pupils with special educational needs and from disadvantaged communities. I call on all Deputies to support the campaign led by the INTO and to support local communities in securing improved staffing levels in primary schools so that primary classes are reduced to European norms in accordance with best practice as promised in an agreed programme for Government from 2002 to 2007.

I also demand increased resources for primary education, specifically including a reduction in primary class size as a matter of national importance that warrants immediate action. I am sick to the teeth with the teacher-bashing that goes on in wider Irish society. My experience of teachers, as a teacher for 20 years is as follows: teachers assisting pupils outside of school hours; teachers training and bringing pupils to matches after hours; teachers putting their lives at risk in child abuse cases; teachers bringing children abroad and around the country at weekends; teachers assisting children with disabilities, far above the call of duty.

I know many teachers who have done this on numerous occasions. I commend them in this debate tonight and I welcome my colleagues from the INTO into the Visitors Gallery. We have also seen teachers taking on racism head on while some politicians in this House have stoked the fires of fear. Teachers who do extra work in their local communities are not looking for gold medals for their work. They enjoy their job and derive great satisfaction from it. However, they deserve balanced reporting and fair play. I urge all Deputies in this House to defend teachers.

I mention schools in my own constituency such as Gaelscoil CholmCille, which is still located in the facilities of a football ground. We also have large class sizes in schools in Marino, Clontarf, Killester, Artane and Beaumont. On the issue of staffing in schools, it is essential that we understand that class size is a major issue for teachers throughout the State. Parents are concerned that teachers are operating in large classes. We want action from the Government and I call on all

[Mr. F. McGrath.]

Deputies in this House, across all parties, to support education, teachers and our pupils.

Mr. Healy: In June 2002, the programme for Government read as follows:

Over the next five years, we will progressively introduce maximum class guidelines which will ensure that average size of classes for children under nine will be below the international best practice guideline of one in 20.

Three years later, the Government has failed to even take a small step forward in that direction. Unfortunately, we have significantly large class sizes, the second largest, if not the largest in Europe. This makes a mockery of the new primary school curriculum and its methodology, which is needed to ensure that teachers deliver it well.

In my own constituency of Tipperary South, the INTO has recently carried out a survey that found 47 primary classes in south Tipperary with 30 to 34 pupils. A total of eight primary classes have 35 or more pupils. A total of 1,815 primary pupils are in classes of 30 pupils or more and 288 of these are in classes of 35 or more. This means that 25% of primary school pupils in south Tipperary are in classes of more than 30 pupils. This situation simply cannot continue and it throws cold water on the introduction of the new primary school curriculum. The introduction to the curriculum states that all children have the right of access to the highest quality education appropriate to their needs. This includes children whose disabilities or circumstances inhibit their effective participation in the education that is normally provided for children of their age. How can progress be made on this and other issues in the curriculum when the Government refuses to implement its own guidelines, which it put forward in the programme for Government announced in June 2002? I call on the Minister and the Department to ensure that the commitment given in 2002 is honoured immediately.

Mr. Connolly: Teaching is one of the areas in which I receive quite a large number of representations from teachers, parents and schools. It is always focused on class size and accommodation at schools. In many cases, the accommodation leaves much to be desired. It gives me no great pleasure to note that the primary school class size, which is supposed to average at 24.2 pupils, is ranked as the second worst in the enlarged 25-nation EU. It is a grievous indictment of our education system. Class size reduction should become an urgent priority and I do not get any sense that the issue is currently being prioritised. The existing Government programme is meaningless, as its own guidelines are not being met. Implementation of the current guidelines would ensure that the average class size for children of age nine and under would be below the international best practice of 20 to one. However, this is not happening. The programme for Government indicated that it would meet certain class

sizes. Two years remain, and I do not detect any sign that the target will be met.

Deputy Healy referred to the large class sizes in Tipperary. I assure him that we have the same problems in Monaghan and Cavan and I imagine that every Deputy from every county has encountered similar statistics. It is also well documented that educational gains made by primary school children in junior classes are particularly long-lasting. It is very important, as one is only young once, in terms of increased pupil engagement, more hands-on learning, higher teacher morale and a more cohesive classroom atmosphere with minimal behavioural problems. These are issues of which we cannot lose sight. In addition, the issue of more individualised teaching is important. Teachers get an opportunity of involving themselves more with children and with writing and oral issues. Teachers can individually teach children who may have missed a few days of school through sickness. Children who are lagging behind need additional encouragement and they can receive this in normal-sized classrooms. Currently, teachers in classrooms with 30 or 40 pupils can only concentrate on teaching the three Rs and other aspects of pupils' development are left behind. There is more to education than learning the three Rs. Young people need to be taught how to communicate. Some children are good at music and we should be able to draw out other talents that children have.

Deputy McGrath mentioned teacher involvement. There is a better chance that a teacher will become involved in extracurricular activities if he or she is satisfied in his or her work. These are things that we have been taking for granted from teachers. I remember a teacher of mine who was involved in sports. I developed a better relationship with that teacher through it. If a teacher brought pupils out on to the football pitch after teaching, pupils tried harder and took greater pride in doing their work well. If the relationship between teacher and pupil is fostered correctly at the junior and primary school level, it will carry through to the secondary level.

We wonder why people cannot communicate or trust others. If children are not taught how to trust seniors or their peers in society, they will never learn. We see the result of this lack of trust and inability to communicate in the current high suicide rate. We wonder why children drop out of school or students drop out of third level education.

Mr. Gogarty: I welcome this motion but I will not say too much on the wording of it. I raised it as a priority question on 9 March 2005. The Government broke the promise it made in the programme for Government to reduce class sizes. We all know that class size reduction makes a tangible difference. Developers should be made provide school buildings as part of the planning process. These measures are in the hands of the Government.

I am tired of pious rhetoric with regard to education. I welcome the INTO's efforts to reduce class sizes but I am not sure whether it will receive more than lip service from the Govern-

ment and the Opposition. We have witnessed the very cynical launch of a campaign against anti-social behaviour from one of the parties in this House. This party is acting on the backs of poorer areas that face the brunt of anti-social behaviour and harassment and is attempting to delude people in middle-class areas that anti-social behaviour is rife. Anti-social behaviour does exist in certain areas. I want to raise the question of what causes this behaviour. More gardaí can be put on the streets, as I said in the debate on the Garda Síochána Bill 2004, but the cause of anti-social behaviour will not be tackled by platitudes and electioneering. The way to deter criminality and to ensure, as the Progressive Democrats would put it, that we are not costing the economy money in terms of prison spaces, social welfare and reduced taxation because people cannot get higher paying jobs due to lack of qualifications is to invest in education. I put it to the Minister for State and any of her colleagues who are watching that investing in education today can make a considerable difference in five or ten years and save the State money. I am emphasising the financial benefits of investing in education rather than the social benefits because money is all this Government appears to understand. I concede that record amounts of money have been spent on education but more is needed.

I want to address the question of how the cycle of educational disadvantage in both disadvantaged areas and well-off areas with disadvantaged pupils can be broken. Breaking this cycle involves putting a major investment into reducing class sizes. I would like to ask Opposition Deputies in particular, as well as Government Deputies, to stop thinking about the next election and think forward if they are serious about education. Are politicians willing to have a real debate about funding education? Are people willing to put their money where their mouths are? I asked some Green Party researchers to do some calculations based on last year's figures to find out what a 1 cent increase in income tax or a comparable increase in an eco-tax would raise for education. They found that a 1 cent increase in income tax would net €540 million, while a comparable raise for an eco-tax would raise €460 million. I am not suggesting that it is Green Party policy to raise income taxes to pay for education. All of the parties in this House must have an honest debate about where the money to fund education will come from. I am tired of hearing people say we need to fund education and how terrible it is that there are six year old children entering school who have not been toilet-trained and that teachers can identify children at the age of seven who will cause trouble when they are older and possibly end up in prison and yet who do not come up with any answers as to how to fund education. If we are to be taken seriously as legislators, we have to come up with concrete solutions. There are certain ways in which current Exchequer funds could be diverted to education. I ask the Government to debate the economic cost of not investing in education and the Opposition to debate where the money is going to come from because we are all paying lip service

because of the INTO campaign. In a year's time, will the situation have changed? Are we willing to pay for education?

Mr. Crowe: Last year, in the run up to the teachers' conferences, while the crisis in the education system bubbled and boiled to the surface, the former Minister for Education and Science, Deputy Noel Dempsey, hymned and hawed about whether he would attend. When he attended the teachers' conferences, John Carr of the INTO summed up the feeling of its delegates when he said "It's class size Minister". That statement was revisited at this year's teachers' conferences. Class size is the big issue that needs to be tackled and not put in the box of things to do.

The campaign to highlight the failures in Government funding of education needs all our support, not because it is a worthy policy to increase educational investment but because many children's lives are blighted by inadequate school facilities, overcrowded classrooms, unqualified teachers and a system of allocating teachers to schools that is not reflective of the needs of the schools, their students or their principals. We are failing many of our children and their ability to finish school is being undermined. One in five students who progress to secondary school never complete a State examination. Many students leave school with little or no literacy or writing skills. There is a variety of reasons for this but class size and an education system which fails to adapt to the needs of the individual pupil is at the core of the problem.

The Government has produced reports stating the child-teacher ratio for children under nine years should be 20:1. These reports have been coming out for three years but we have seen no real action. A school must have 46 students to retain two teachers. Children over nine years often need smaller classes too because when they go into larger classes, they often lose the benefit they have gained.

The new "weighted system" for special needs students will require 1,000 additional teachers. Only 350 of these have been provided so far. Schools are in a "no man's land" because the old system has been abolished but the new system is not in place. Special needs students in mainstream schools get one hour of special education a day if they are lucky. Some parents want to get their children into these schools so badly that they play down the level of special education their children will need. The limit of one resource teacher per 150 pupils needs to be examined and children with special needs should have a seamless transfer of their supports throughout their educational life. It is not happening at the moment.

Deputy O'Connor talked about schools in my constituency and my local school and he outlined that the system is failing the children in these schools, their parents, teachers and the principals. My local school is on the edge of a RAPID area and has children from clearly disadvantaged backgrounds but is not considered a disadvantaged school by the Department of Education and Science.

[Mr. Crowe.]

Like others, I eagerly await the Minister of State's response. We read daily about ever better reports on Exchequer finances. Let us spend some of this money on our children in an efficient and equitable way. We have the cohort of teachers coming on stream and the finances in our economy. What we seem to lack is consistency and the political will to follow through.

Mr. Stagg: I wish to share time with Deputies Sean Ryan, Burton and Enright.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. Stagg: I thank our spokesperson, Deputy O'Sullivan, for focusing on this important issue and for presenting us with an opportunity to debate it in the House. What could be more important than the education and future of our children? The higher pupil-teacher ratio in this State arises directly from a shameful neglect by the Fianna Fáil-Progressive Democrats Government of this most basic aspect of the future of our children and our country.

There is no mystery, nor does it require rocket science to do so, in accurately predicting the number of primary schoolchildren and school places available for them in the country at any given time, as the number and places are known. Why have we situations where children are being taught in substandard prefab classrooms with a pupil-teacher ratio that is often as high as 30:1? Why are schools so overcrowded in some areas that children are refused entry until they are five and a half years of age? The answer is simple. The Government, with the taxpayers' money coming out its ears, has given priority to areas other than to children's education. Racecourses have been developed to a high degree while schools await the sanctioning of more prefabs. Millionaires can avail of various tax avoidance schemes while children are packed into oversized classes. Millions of euro are spent on useless voting computers and thousands of acres are zoned for housing without any plans for the predictable ensuing school places or other services.

This Government has decided the education of our children is not a priority and has abandoned its solid promise of a 20:1 ratio in classes. Teachers are idle while literacy problems affect up to 50% of children in some areas and large classes continue to adversely affect all pupils, especially those with learning difficulties. The Minister for Education and Science, Deputy Hanafin, blithely dispatches the Government's undertaking to reduce class sizes to 20. The Minister recently visited most, if not all, of the schools in my constituency and she cannot be unaware of the situation in north County Kildare.

Mr. S. Ryan: That was before the by-election.

Mr. Stagg: She did so during the by-election. The Minister saw the pupil-teacher ratios. Scoil na Mainistreach in Celbridge has a ratio of 27.7:1, Scoil Bríd in Celbridge is 26.5:1, Scoil Bhríde in

Leixlip is 27:1, Scoil Choca Naofa in Kilcock is 29:1, Scoil Mochua in Celbridge is 28.5:1 and the Holy Child national school in Naas is 30:1. All these schools have yards full of prefabs and waiting lists of children who have not been admitted owing to overcrowding. This is not an exhaustive list as there are many more. For example, Saint Corban's national school in Naas was promised a prefab classroom to allow its physical education room to return to service. The Minister made this promise during the recent by-election but we have not seen sight or sound of the prefab or the Minister since.

Kill national school is bursting at the seams. The school is located on a virtual traffic island in the middle of the N7 upgrade works. Where is the often promised new national school for Kill? It has been promised by Fianna Fáil and the Progressive Democrats in the past three elections but has failed to materialise and the children of Kill suffer on. Kildare now has the highest pupil-teacher ratio in the whole country at 27.2 pupils per teacher. Only 4% of Kildare children are taught in classes of fewer than 20 pupils while 37% are in classes of more than 30 pupils. This is a disgrace and a public scandal. We have the money to correct it and I demand we do so now. I pay tribute to the teachers who are working under these circumstances in my constituency. Given the circumstances, they do excellent jobs. I demand that the Government acts on its promise and fulfils it in time for the next election.

Mr. S. Ryan: I am pleased to have the opportunity to make a contribution to this debate on class sizes, an issue that is a matter of grave concern for parents, teachers and boards of management. As a Deputy for Dublin North, one of the constituencies within Fingal, I am deeply concerned by the statistics showing that Ireland has the second highest average class size in the EU and that schools in Fingal have the joint second highest average class sizes in Ireland. In effect, our schools and classes are top of the EU league for the wrong reasons. This is unacceptable and not in the interests of the children.

The Government made a commitment to the electorate to reduce class sizes prior to the general election in 2002. In its programme for Government, it gave an undertaking to continue to reduce the pupil-teacher ratio to 20:1 for all children under the age of nine. Three years into the life of this Government, there has been little or no change and the reality within schools bears this out. Information obtained by the Labour Party shows that 13,438 children are being educated in classes of between 20 and 29 students in Fingal. There are 8,302 children being educated in classes of between 30 and 39 students. How would the Minister, in her previous life as a teacher, have envisaged teaching up to 39 students in a class? I await her reply.

One of the schools in my constituency has 13 classes. The average size is 29.5 pupils and eight of the classes have 30 or more children. I fully agree with the teaching staff who wrote to me when they stated that such numbers in classes greatly impact on the progress of all children

within the school and that academic studies show the benefits of reduced class sizes. Another school in my constituency, a junior school in this case, has 30 pupils in every class. There are a number of Educate Together schools within my constituency where children in third class have still not received access to learning supports of any description. This is the reality.

In the past, the Minister of State's predecessors have used the shortage of qualified teachers as a justification of the lack of progress. This excuse is no longer valid because, for the first time in many years, qualified primary teachers are available to work and a further 1,600 are set to graduate this year. My constituency is one of the fastest growing areas in the country and its educational situation has reached crisis proportions. In addition to the problem of large class sizes, we have a situation wherein parents are unable to secure school places for their children in Balbriggan, Skerries, Rush and Lusk. In Balbriggan, for example, parents are unable to secure places for their children who may already be in schools from their previous addresses or who are due to commence school in September 2005. As a result, I have been in contact with parents who have been left with no alternative other than to leave their children with relatives or friends more than 30 miles away between Mondays and Fridays. This is obviously not in the interests of the children or their parents and I want this matter to be addressed.

The Minister for Education and Science gives the usual excuse in response. A new school planning model involving published area development plans is being piloted in five areas over the current school year, including the areas of north Dublin, east County Meath and south County Louth. My concern is that this proposed consultative process will be used as a delaying tactic by the Department, especially in respect of areas where the shortage of education facilities is painfully obvious and well known to the Department.

The Minister said recently that we must never lose sight of the fact that helping all pupils reach their full potential is part of the education system. I fully concur, but the best way to achieve this objective is by reducing class sizes and by producing the interventions required by all our children. By that, the Government will be judged come the next election. Irrespective of the election, we are thinking of the future of our children and the teachers educating them.

Ms Burton: Next year will be the 90th anniversary of 1916 and we will be in the run up to the 100th anniversary. The part of the proclamation with which most Irish people most easily identify, regardless of political party affiliation or none, is that which urges us to cherish all the children of the nation equally. Instead, in Dublin West along with Dublin North and areas such as Kildare and Meath, which are the fastest growing parts of the country, parents sit around breakfast tables crying because they do not have certainty about their five year old children — not their four year old children — accessing a school place.

In one school in my constituency, rightly called Mary Mother of Hope national school, for a child to qualify for a place the following September, they would have to have been four by the previous December. St. Brigid's national school in the leafy lanes of Castleknock was built in 1971 and it has its fair share of very prosperous parents. However, the pupil teacher ratio in a number of classes is almost 30:1. One might say this is an advantaged area to follow on the comments made by Deputy Crowe. Castleknock has its fair share of millionaires. However, there are 16 children from the Traveller community on the Navan Road in the school and who are cherished by it. There are also 70 children for whom English is not their mother tongue. The school has special needs. Some of those needs are being addressed by the conversion of a broom cupboard into school space. In another part of the school, a toilet has been converted. Only last weekend masonry fell in the school yard but, thankfully, nobody was injured.

Shakespeare spoke about the seven ages of man but this Minister for Education and Science and this Government have seven stages of torture, which they will elongate if they can, in determining when and how schools get the necessary resources. It is simply stunning that last week a list of schools proceeding to architectural consultation stage was published as a gain by the Minister when any Deputy on the Government or the Opposition benches knows that there are at least another four stages. This is not management but is an Irish version of torture where the issue is dragged out.

With the introduction of resource teachers in schools with various special needs, the overall ratio is being compressed but often resource teachers have no place in which to work. If the Government delivered on its promise to reduce the pupil teacher ratio to 20:1, an immediate building programme, the purchase of land adjacent to existing schools and the purchase of more land for new schools in greenfield areas would be needed to make that ratio a reality. Who are Fianna Fáil's friends? It is not children or their parents; it is the developers in the tents at the Galway races. They call the score when it comes to buying and selling land which affects all our children's futures.

In the case of Mary Mother of Hope national school — let us hope she is looking down on us — the Department of Education and Science paid a builder and prominent Fianna Fáil supporter €3 million for three acres and said it could not get another two acres to build the size of school necessary. The Government stands indicted. If it cannot manage, it should move aside and let another Government meet the needs of children.

Ms Enright: I congratulate Deputy O'Sullivan and the Labour Party on tabling this motion. Deputy Peter Power felt the motion was too narrow and not broad enough. I do not know if he

[Ms Enright.]

was in the House on the last three occasions we discussed the schools building programme on Private Members' time. I am tempted to respond to Deputy Gogarty because he wanted to hear what we have to say but in that regard, absence speaks louder than words.

Ireland is supposedly the economic miracle of the European Union. We have supposedly seen the end of the bad old days of the 1950s and 1980s. We are a new confident people ready to take our place on the world stage. That is what we repeatedly hear about Ireland today. Indeed, much has changed and we must be proud of our economic success. However, we must ask whether our recent success is being translated into a real improvement in educational provision for young people. Unfortunately, I do not believe it is and the cycle of educational disadvantage is being allowed to continue by this Government.

The Government stands indicted on its record and the figures on average class sizes speak for themselves. The fact remains that in this brave new world of Ireland in 2005, our class sizes are among the highest in the EU and are above the OECD average. At present 80% of children under nine years of age are in classes of more than 20, which is unacceptable.

Class sizes affect schools and children in a number of ways. Not only do our oversized classes affect educational performance, larger class sizes also compound educational disadvantage with negative long-term consequences for many children. Lower class sizes can make a real educational impact, especially for children in junior classes. For younger children, the best start in education is important so that they can adjust to the learning experience and do not have to play catch up as they go through schooling. For older children, smaller classes mean more individual attention from the teacher as well as fewer distractions and a more productive classroom environment. By failing to attack class sizes radically, the Government is missing the link between larger class sizes and educational disadvantage.

The number of children who fail to make the transition from primary to secondary schooling has grown dramatically in recent years and now exceeds 1,000 per year. This is an appalling statistic and highlights that educational disadvantage must be tackled from the earliest days of a child's education. For these 1,000 children, re-entry into education at some point in the future is unlikely. When we lose children from education, especially at such a tender age, we face a long uphill struggle to encourage them to re-engage with the education process. Early school drop out can have a profoundly negative impact on a person's life. By putting in place the best possible structures to support children in school, we will avoid these difficulties in later life. Tackling the size of classes is one vital step which needs to be taken to reduce the level of school drop out.

In tandem with the reduction in class sizes, the most up to date and appropriate teaching methods should be applied so that every child can reach his or her educational potential. Each child's educational potential must be fully tapped and supported through the use of the best possible teaching methods. There is a great deal of international research on this issue. One significant research project undertaken by the Nottingham University school of education in 1996 found that class size made a difference at both primary and secondary levels. Other research undertaken by Robinson and Wittebols in 1986 also showed that the positive effects of reducing class sizes at primary level were most evident in the junior school years. Interestingly, the study also cautioned that the positive effects of lower class sizes were less evident if teachers did not change their teaching methodologies and classroom management techniques in smaller classes. This highlights the need to give teachers the support and resources they need to review teaching styles so that children benefit from the most up to date and appropriate teaching methods according to their class size.

There are also issues in regard to class sizes at second level and the teaching of specific subjects. When teaching science subjects, home economics and other practical subjects, class size is very much a factor, especially when students are obliged to share equipment or laboratory space. In addition, when science experiments involve the use of chemicals, open flames and gases, an increase in teacher supervision and individual attention is understandably needed.

This Government made a clear and unambiguous commitment in the 2002 programme for Government. This commitment was to progressively introduce maximum class guidelines which will ensure the average size of classes for children under nine years of age will be below the international best practice guideline of 20:1. Shortly after the Minister, Deputy Hanafin, took office, she downgraded this commitment to the status of a noble aspiration. No doubt in line with the reduce-reuse-recycle policy of the Government, this commitment will find its way back into the Fianna Fáil manifesto for the next election.

Minister of State at the Department of Education and Science (Miss de Valera): Although I did not agree with Deputy Gogarty, I was nearly beginning to feel sorry for him. He was rounded on by members of the Labour Party and Fine Gael, yet we are led to believe these are the likely coalition partners of a future Government. It says a lot for the likely approach to education by the Opposition parties, among which there is obviously no coherence or cohesiveness.

Education has been prioritised by the Government. As a result of the huge increase in the budget provision for the Department of Education and Science, we have been able to increase

the number of teachers in our schools, reduce class sizes, improve the quality of school buildings and greatly improve the services provided for children from disadvantaged areas and for those with special needs.

More than 4,000 additional posts have been created at primary level since 1997. In addition at post-primary level, an additional 1,225 posts have been created and more than 1,700 posts, which would otherwise have been retrenched due to a fall in enrolments, have been retained. As a result, the average class size at primary level has been reduced to 24 and the pupil teacher ratio at primary level has been reduced to 17.4:1, while at post-primary level the pupil teacher ratio has reduced to under 14:1.

The size of classes in individual schools is a matter, in the first instance, for the authorities of the school concerned. At primary level, the system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have some smaller numbers in other classes. At post-primary level, class size depends on the particular subject, the number of pupils opting to take the subject and the level at which it is being taken.

Class sizes vary considerably across education programmes and subject areas. Class sizes are typically larger in the case of the core subjects of English, Irish and mathematics. Subject areas such as the sciences and modern European languages generally have average class sizes of less than the programme averages.

Subject provision, subject choices and class sizes are influenced by a combination of factors such as school size, timetabling decisions, teacher allocation, subject expertise and the length of the school day in addition to decisions made at individual school level on the basis of enrolments, ability levels of the pupils and programmes offered. While there has been an improvement in regard to class sizes, further improvements will be made in future in line with Government policy.

The poor record of the State in catering for the educational needs of special needs pupils in the past has been raised in this House and elsewhere. The Government has tackled this issue head on and our achievements in this area speak for themselves. Significant increases in teaching resources have been approved at primary level. There are currently more than 2,600 resource teachers and 1,500 learning support teachers in our primary schools. There are 1,000 teachers in special schools and 600 teachers in special classes. Nearly 6,000 special needs assistants are employed and significantly increased financial provision has been made for them for specialised equipment and materials.

Increased provision has also been made at post-primary level. In the current year provision

is being made for 1,259 whole-time equivalent resource teachers and 628 special needs assistants. In the current school year, approximately 17,650 students with special educational needs are in receipt of resource teacher and-or special needs assistant service support. This compares with approximately 12,500 students in 2003-04, 6,000 students in 2002-03 and 3,500 students in 2001-02. In the 1997-98 school year, an estimated 1,600 students with special needs were being supported.

Significant additional funding has been allocated by my Department in respect of school transport in recent years. The cost of school transport has more than doubled since 1997, from €49.5 million to more than €116 million in the current year.

Unfortunately, I will not be able to cover the other issues with which I wished to deal. In recent years there has been a particular focus, as Members are aware, on the provision for pupils in disadvantaged areas.

The Government has every reason to be proud of its record in investing in new school buildings, as any Member who is considering the issue fairly would immediately admit. There is no escaping the reality that since coming into office, the Government has placed the highest priority—

Mr. Quinn: The Minister of State should simply supply her script.

Miss de Valera: —on the improvement of school buildings and we will continue to do that.

Mr. Quinn: I wish to share time with Deputies Penrose, Upton and O'Sullivan.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Quinn: I am already into injury time.

An Ceann Comhairle: There are 15 minutes in this time slot.

Mr. Quinn: A famous American economist and political commentator who ended his career, among other things, as ambassador to India where he had a first-hand vision of what he talked about, famously described the United States in 1950s as the affluent society. He coined a phrase that aptly describes the Government's approach to this Republic. It is one of private affluence and public squalor.

In the by-elections which were fought and which the Government lost — if the Minister of State continues to make speeches like the one she made the Government will lose every by-election and the general election because she has not heard a word we said—

Miss de Valera: We all know that a Government party loss in a by-election does not mean a

[Miss de Valera.]

loss for it in a general election, as has been proved in every general election in modern times.

Mr. Quinn: That intervention means we have 30 seconds of injury time.

I walked past motor cars worth €50,000, €60,000 or €70,000 to meet crying parents in affluent Kildare who could not get their children into a school. One aspect of the public sector is that no matter how rich one is, and happily there are now many wealthy, well-doing and well-paid people in our society, there are some things money cannot buy. It cannot buy a special needs teacher for one's child, but if one is paying taxes, one can get access to that resource, but the Government is not ensuring that kind of provision.

There is no coherent planning. The Minister of State has read out a load of statistics about increases but if one were to apply the same logic, the increase in the labour market and in the population make the increases in the provision of additional teachers and special needs assistants meaningless. We are simply running to stand still.

I invite the Minister of State to examine the constituencies where there is natural and real population growth and recognise the chaos. There is nobody in the Department of Education and Science linking the granting of planning permissions that generate the demand for housing with the growth in population.

I will make one point because my time is limited. I invite the Minister of State to request the Department of the Environment, Heritage and Local Government to introduce a planning regulation that would provide that if there is not adequate school provision in the area in which it is proposed to grant planning permission, along with adequate draining facilities, roads etc., such planning permission would not be granted. Houses are being built. It is not rocket science to work out that if planning permission for houses is granted in year one and construction starts in year two that in year five or six the patter of little feet will come knocking on the door of the local primary school. There is no joined up thinking in regard to that.

I could say much more but I am sharing time with my colleagues. There is no proper planning. The Department of Education and Science is an island. It is surrounded by private affluence and is engaged in public squalor.

Mr. Penrose: I compliment my colleague, Deputy O'Sullivan, for bringing this important matter to the floor of the Dáil. On 26 January, I had occasion to raise this matter with the Minister for Education for Science and I forewarned her about this problem, endorsing what my colleague, Deputy Quinn, said. I requested that a meeting be held of Westmeath County Council comprising forward planners and representatives of Edu-

cation and Science to get a grip on this problem, but nothing happened. The problem is so bad in Mullingar and the surrounding areas that the county council wrote to the Minister on 29 March, following an intensive discussion, raised by my colleague, councillor Dan McCarthy, at Westmeath County Council, about the availability of primary school places. I also raised this issue. Someone wrote that script for the Minister of State. There are 21 primary schools, including a Gaelscoil, and a new multid denominational school which commenced operation last September, serving Mullingar. However, one must travel to the border of Longford and Meath. It is a wonder that whoever wrote the script did not tell the people of Mullingar to go to County Longford. Whoever wrote it does not know his or her geography. People who do not have public transport must travel to schools in Ballinagore, Ballynacargy, Castletowngeoghegan and Loughnavalley. They must travel in the opposite direction to where they work. What sort of a society is this? The Government can find money for everything but it cannot find money for schools. Deputy Quinn is correct about the American economists, whom I have often quoted.

What about Kinnegad and this great aspiration? It is all nonsense. I do not believe Government programmes. There was a commitment to ensure that the average size of classes for children under the age of nine would be below the best international standard of 20:1. Let us talk about St. Etchen's in Kinnegad, which is on the main N4-N6 route. There is a rapidly expanding population. There are 375 pupils on the roll, with 13 teachers, which is an average pupil-teacher ratio of 29:1. Every class from infants to first class has more than 30 pupils, which exceeds best international guidelines. So much for all the talk about education. The Government does not care a whit about anything. It would prefer to reduce tax for the wealthy so that it can say it does not have the money to build important infrastructure for young people. Lip service is being paid to education and the economic productive that derives therefrom, but what about ordinary young people from poor families? Should they not get the best start, the best classrooms and the best pupil-teacher ratio so they can learn and become the pioneers of tomorrow? These are not rich people with cars who can travel miles to class.

Deputy Quinn is correct that the people are waiting for the Minister in the long grass. It is an insult to say that one school had 50 pupils less in the past five years. Of course there were 50 pupils less because there are 36 or 37 pupils in the classes. If health and safety standards applied, how could one have 37 or 38 pupils in a class? These classes had to be reduced to 30 pupils. There is great anger in Mullingar over the nature and tenor of that reply.

The senior Minister admitted in Tullamore that she had reached the target in 2004 which was pro-

jected for Mullingar and its environs for 2008, which is four years out of date. The Minister should ask the Minister for Finance, Deputy Cowen, for funding. I am sure he is not as blinkered as the former Minister, Mr. McCreevy, who created the problem with his right-wing ideology, which is grounded on the conservative forces that destroyed Britain. Let that not happen in Ireland. Let us give our young people a chance through the education system.

Dr. Upton: I welcome the opportunity to speak on this debate. I compliment my colleague, Deputy O'Sullivan, on tabling the motion.

I have many examples in my constituency of the kind of problems to which Deputy Penrose referred. However, I want to use Harolds Cross school as a particular example. I attended a meeting there last evening when most of the teachers, resource teachers and a large number of parents were present. The school, which urgently requires an additional teacher for the coming academic year, is in the extraordinary situation of having almost 80% of pupils from areas that are designated as disadvantaged. This is the catchment area, but the school is located in an area that is not classified as disadvantaged. The school, pupils, teachers, parents and special needs assistants bear the brunt of not being designated disadvantaged and they miss out on the bonuses this would afford them.

In the coming academic year, the teachers will have to cope with an average teacher-pupil ratio of 1:29.4, which is being very specific in their accounting. There will be 37 pupils in a mixed fourth and fifth class and 36 in a mixed fifth and sixth class. They also have a number of students with special needs, pupils with serious behavioural problems as well as overcrowding. Unfortunately, this is not unique to Harolds Cross. The integration of pupils with special needs into mainstream education was encouraged. Teachers took this on board on the understanding that the facilities, resources and back-up would be available to them to offer good quality education to all pupils.

When the Minister points out, as she does frequently, that the number of resource teachers has never been greater, she should also acknowledge that the need has never been greater. This arises partly from the fact that we all bought into the idea of mainstreaming and that initiative was approved and supported. The Minister acknowledged to me in a recent letter that priority would be given to pupils with special needs, those from disadvantaged areas and those in junior classes. I am asking the Minister, on behalf of Harolds Cross primary school, Bluebell primary school, Mater Dei, the primary schools in Ballyfermot, Crumlin, Drimnagh and throughout my constituency, and many more, to deliver on that commitment before a new generation of children miss out again on the opportunity for a decent edu-

cation. If the mantra we hear all the time that education is the way out of poverty and social exclusion is correct, it is time for the Minister to ensure the facilities are in place to deliver on these promises and the value of education.

Ms O'Sullivan: I thank all the Deputies who contributed to the debate. There were 17 speakers tonight as well as those who spoke last night, which is an indication of the sincerity and commitment of all Members in regard to this issue. I acknowledge the number of people in the Public Gallery who have similar interests. I cite this as the reason we turned on Deputy Gogarty. It has nothing to do with differences of policy with regard to Opposition parties. It is to do with the fact the Deputy suggested we did not have a genuine interest in the issue.

Miss de Valera: Does the Deputy agree with an increase in tax to provide further funding for education? That was an interesting suggestion.

An Ceann Comhairle: The Deputy without interruption.

Ms O'Sullivan: I acknowledge that the Government backbenchers who spoke also have a genuine interest in this issue. They are genuinely disturbed that their Government colleagues have not provided the funding to address this and other important social issues, which make a significant difference to people's future prospects and in providing young people with an opportunity to become the best they can within the school system, particularly in disadvantaged schools. Central to this debate is having correct priorities and putting the money where it will make a real difference to ordinary citizens, particularly the children of this country.

I want to refer to an issue which was raised by both Ministers and to the contributions of Deputies Penrose, Stagg, Burton and others who represent these growing areas. I refute the suggestion that there are 35 pupils in one class because the school has engineered it so there will be only 15 in another class.

Deputies: Hear, hear.

Ms O'Sullivan: I absolutely refute that suggestion, having discussed it with people involved in schools and having heard my colleagues. All the classes in certain schools are made up of 30 or more pupils and children must be five years of age before they can get into school. This indicates the Government's total lack of planning and commitment in this important area. It is particularly significant in areas of disadvantage. Many of my colleagues on various sides of the House passionately addressed that issue. All of us as public representatives and the teachers and parents in the Public Gallery are aware that children who need the opportunity education can provide do not get

[Ms O'Sullivan.]
it because they are in such large classes. Despite the best efforts of their teachers, these children do not get the education they need.

Before I conclude, I would like to cite three facts relating to Government promises and commitments. It is a fact that a smaller percentage of GDP and GNP is now spent on education than was the case in the mid-1990s. It is a fact that the average class size in Ireland is the second highest in Europe. It is also a fact that the Government gave a promise and commitment in the programme for Government to reduce class sizes, and to specifically reduce class sizes to 20:1 or less for those under the age of nine. These are three facts, the last of which is of particular significance.

The Government amendment makes no reference to that commitment which is included in the programme for Government, which is very disappointing. As Deputy Enright and others said, when the Minister, Deputy Hanafin, took office, she said this was a noble aspiration. It does not have to be a noble aspiration. It can be delivered if the political will exists and if the resources are allocated in terms of teachers and classrooms.

When the Government included it in the programme for Government, it obviously intended to deliver on it. However, in its first three years in office, absolutely nothing was done about it. The teachers' unions have campaigned for the commitment to be honoured because they know it is possible.

We tabled this motion not just to score political points but to achieve what people clearly understand to be very important, namely, the honouring of the commitment the Government made. This debate is not the end of the matter but the beginning. We intend to ensure that the Government focuses on the issue. Every Member on the Government side, including the Minister for Finance and not just the few concerned backbenchers, needs to focus on it. Political will is necessary to address it and the resources need to be provided. This is why we have tabled this motion. We are particularly disappointed the Government has not met its commitment and that it has seen fit to table an amendment instead of supporting the motion. I thank every Member who spoke.

Amendment put.

The Dáil divided: Tá, 62; Níl, 53.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Browne, John.
Callanan, Joe.
Carey, Pat.
Carty, John.
Collins, Michael.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.

Kelleher, Billy.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Feargháil, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keefe, Batt.
O'Malley, Fiona.
O'Malley, Tim.
Power, Peter.
Power, Seán.
Roche, Dick.
Smith, Brendan.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Wilkinson, Ollie.
Woods, Michael.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.

Connolly, Paudge.
Costello, Joe.
Crowe, Seán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.

Níl—continued

Enright, Olwyn.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Hogan, Phil.
 Kehoe, Paul.
 McCormack, Padraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 Mitchell, Olivia.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.

Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O’Keeffe, Jim.
 O’Shea, Brian.
 O’Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairi.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Stagg, Emmet.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to”.

The Dáil divided: Tá, 62; Níl, 55.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Browne, John.
 Callanan, Joe.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 de Valera, Síle.
 Dempsey, Noel.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.

Kelleher, Billy.
 Kirk, Séamus.
 Kitt, Tom.
 Lenihan, Brian.
 McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O’Connor, Charlie.
 O’Dea, Willie.
 O’Donnell, Liz.
 O’Donovan, Denis.
 O’Flynn, Noel.
 O’Keeffe, Batt.
 O’Malley, Fiona.
 O’Malley, Tim.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.

Crowe, Seán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.

Níl—continued

Gregory, Tony.
Hayes, Tom.
Healy, Séamus.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
Mitchell, Olivia.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Keeffe, Jim.

O’Shea, Brian.
O’Sullivan, Jan.
Pattison, Séamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Stagg and Kehoe.

Question declared carried.

Adjournment Debate.

Health Services.

An Ceann Comhairle: As the first two items are being taken together each Deputy has five minutes and the Minister of State has ten minutes to reply.

Mr. M. Moynihan: I wish to share time with Deputy Sherlock. One of the issues Deputy Sherlock and I have in common is Mallow General Hospital. I congratulate Deputy Sherlock on his efforts for the hospital over many years.

Mallow General Hospital is just outside my constituency but serves many people from Cork North-West stretching back to Limerick West. Once, Mallow General Hospital was threatened with closure but I am pleased that threat has been lifted. What is needed is to ensure the proper facilities are put in place. There have been a number of commitments in regard to Mallow General Hospital and in recent years many improvements have been made.

I ask the Minister of State at the Department of Health and Children to outline his Department’s vision and that of the Health Service Executive for the future of Mallow General Hospital. I have been a patient of that hospital as have members of my family and I cannot praise sufficiently the level of care provided. Many of my constituents who have had reason to be patients of Mallow General Hospital have spoken of the excellent care provided to them.

Mr. Sherlock: I thank Deputy Moynihan for his kind remarks but I hope he will impress the Taoiseach and the Tánaiste with the same remarks. In 2001 there was a permanent radiol-

ogist in Mallow General Hospital. However, when an application was made to Comhairle na nOspidéal, Mr. Donie Ormond, the Fianna Fáil member who was vice-chairman of Comhairle na nOspidéal at the time, suggested that two should be appointed, that Mallow General Hospital should have seven sessions and Cork University Hospital should have four sessions rather than Mallow having ten sessions and Cork University Hospital having one session. The volume of work in Mallow General Hospital is sufficient to warrant the appointment of a radiologist directly to Mallow. This is five years after the issue was raised in the first instance. That is outrageous at this stage.

Progress is not being made and the delay is for the purpose of downgrading Mallow General Hospital and have patients transferred to Cork University Hospital. I have no doubt about that.

Mallow is a developing urban area that is designated hub town. Mallow General Hospital serves a population of 90,000 to 100,000 people and allows them access acute accident and emergency services as well as medical and surgical services within the accepted golden hour. The general practitioners in that region back up the case. We demand action as we believe there is no reason the hospital which has been served by a temporary radiologist for the past five years should not have a permanent radiologist appointed now.

The Tánaiste and Minister for Health and Children, Deputy Harney, wrote to me on 25 March stating, “it is a matter for the Health Service Executive. Under the Act the executive has responsibility to manage and deliver the service.” On 19 April 2005 the medical manpower manager, Cork University Hospital, in the Cork region said, “The outstanding issue is funding for which we are still awaiting authorisation”. The reason it is not happening is that we are waiting for funding.

A sum of €1.5 million has been collected for a CT scanner approved in 2004. We were informed

the scanner would be installed in an area occupied by a staff canteen adjacent to a radiology department. To date nothing has happened.

In Mallow General Hospital 90% of the people can be treated in the general hospital system. In Cork University Hospital the daily cost per patient is €747 while in Mallow General Hospital the cost is €477. Given that the facts are now on the record of this Dáil I hope the Minister of State will act on this.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of acute hospital services and the appointment of new or replacement consultant posts. As such, the Department of Health and Children no longer has a role in regard to funding arrangements for individual consultant posts.

Provision of radiology services at Mallow General Hospital had been the subject of detailed discussion between Comhairle na nOspidéal and the former Southern Health Board up to 2004. Comhairle na nOspidéal had advised that a stand alone single-handed consultant appointment could not be sustained. Considerable efforts have been made to find a solution to resolve the problem of consultant radiology staffing cover at Mallow General Hospital, including the possibility of partnership arrangements with Cork city hospitals. It is now a matter for the Health Service Executive national hospitals' office to ensure the radiology service at Mallow General Hospital is supported to meet the needs of the local population.

Capital funding has been allocated for the provision of a CT scanner at Mallow General Hospital. This will improve the quality of services to patients and avoid difficulty in transferring such cases to and from Cork city hospitals, as occurs at present.

The Department of Health and Children has been informed by the HSE southern area that the CT scanner will need to be housed in purpose-built accommodation adjoining the radiology department. This will involve careful architectural and planning work. Tender specifications for the purchase of the CT scanner in accordance with EU procurement directives are also being prepared and will be placed in the *EU Journal* shortly. The Department of Health and Children has been assured that the HSE southern area is moving as quickly as possible on the project.

Mr. Sherlock: The Government must provide the finance.

Care of the Elderly.

Mr. Stagg: I thank the Ceann Comhairle for allowing me to raise this important matter. A society can be judged by how it treats its older and infirm members. On that basis this Government stands condemned for its cruel, callous and uncaring actions and attitudes towards our elderly and infirm citizens and particularly by its withdrawal of home help workers.

The home help scheme was intended for and used to good effect to assist elderly and infirm people to continue to live in their homes for as long as possible and in comfort and dignity. Home helps were usually neighbours who were known and trusted by the recipients of the service. They performed everyday but essential tasks. They cleaned the house, made the beds, helped to dress the recipient and did the shopping. These are simple tasks which the old and infirm were no longer able to do for themselves. The home help workers sometimes did much more. This simple and economic service allowed the recipients to live in relative comfort and dignity in their homes.

This service ensured the recipients were not forced to leave their homes and go into long-term care in very expensive institutions. This service ensured that the recipients were enabled to return home following hospital treatment, thereby leaving an acute treatment bed free for others. There has been much comment about accident and emergency departments and hospital trolleys in recent times and very expensive solutions to remedy same, but restoration and expansion of the home help service was not considered. Beds in hospitals and places in long-stay care could be freed up immediately if the home help service were restored.

For some reason best known only to themselves, the Government, now known as the caring Government of Fianna Fáil and the Progressive Democrats, God help us, has reduced incrementally the hours available in the home help service each year since 2002. In County Kildare, the figures are as follows. In 2002, 590,000 hours were available, 440,000 hours in 2003, 367,000 hours in 2004 and 336,000 hours in 2005. This is a cut of 254,000 hours of service to the old and sick, which is a cut of 40%. In the northern Kildare area, the cut amounted to 50%.

This has left many vulnerable people, the weakest in the community, at great risk. Many have had to opt for long-term care, others struggle on as best they can with a drastically reduced quality of life while others remain in acute hospital beds because the service is not available at home. This cut in service makes no sense. It is cruel and callous in its disregard for the suffering of our weakest citizens and shows no gratitude, respect or regard for their lives of work and contribution to society. It makes no economic sense.

[Mr. Stagg.]

There is no saving as the alternatives are more expensive.

I call on the Minister of State to restore the hours available for the home help service to at least the 2002 level. Even if he has no regard for the elderly or the infirm, I suggest he does it for good economic reasons given that his party is driven by economic policies. The home help service provided on a shoestring was the best social and economic scheme and must be restored.

I pay tribute to the home help workers who did an excellent job in a neighbourly way with a large number of people. Many of them have been physically withdrawn from helping 80 year olds living alone who must now live in expensive, State-run institutions. This is the situation at local level and it is crazy. I am aware the home help workers were awarded increases in pay but the allocations were not made to meet the increases in pay and the hours were reduced by 40% in County Kildare.

Mr. T. O'Malley: As the House will be aware, the policy of the Department of Health and Children for the development and delivery of services for older people is to maintain them in dignity and independence at home for as long as possible in accordance with their wishes as expressed in many research studies; to restore to independence at home those older people who become ill or dependent; and to encourage and support the care of older people in their community by family, neighbours and voluntary bodies. The role of the home help service is vital to the implementation of this policy.

Following the publication in 1998 of the report, *The Future Organisation of the Home Help Service in Ireland*, by the National Council on Ageing and Older People, there has been a major step forward in the implementation of the home help scheme from 1999 onwards with the service being provided to an increasing number of older people.

Mr. Stagg: On a point of order, the Minister of State may be inadvertently misleading the House because what he is saying is not true.

An Ceann Comhairle: There is no provision for a point of order.

Mr. T. O'Malley: I will deal with the figures, if the Deputy can be as patient as I was. There are a number of reasons there are increasing demands on the home help service, one of which is the demographic fact that approximately 6,000 people are coming into the over-65 bracket every year with a proportionately higher percentage increase in the more dependent over-80 category.

The aim of the home help service is to enable people to remain at home, where appropriate,

who would otherwise need to be cared for in residential care. It is recognised that the home help service is an essential support to family and informal carers. The service, by its nature, is a flexible one designed to respond to clients' needs. It is targeted at high and medium-dependency clients in accordance with their assessed need. As a result, the level of service required in individual cases will fluctuate from time to time. I assure the House that this Government is committed to developing the home help service as a community support for older people living in the community.

There seems to be a discrepancy in the figures but I will give the figures I have been given by the HSE south western area.

Mr. Stagg: I was given the figures by the Minister of State's Department.

Mr. T. O'Malley: The HSE south western area confirmed the following figures for the last three years: In 2002 the number of home help hours was 527,622 and the corresponding funding was €3,558,849; in 2003 the home help hours were 441,096 and the funding was €4,745,000; in 2004 the home help hours were 428,642 with funding of €4,565,000. I acknowledge a discrepancy in the figures. I will confirm the figures for the Deputy.

The figures indicate a 16% decrease of home help hours in 2003 from the 2002 figures. A further 3% decrease in hours in 2004 gave a total of 19% less home help hours since 2002. The HSE south west area has advised the reduced service levels were due to the demands on service beyond the available budget allocation.

The Tánaiste is concerned at the reduction in home help service levels that has arisen in this area since 2002. She has asked the Health Service Executive to reconsider this as a matter of urgency in the context of the needs of the area.

Mr. Ring: I thank the Ceann Comhairle for selecting this issue for discussion. Planning permission in respect of refurbishment and extension works has been granted for the MacBride community nursing unit in Westport, County Mayo. The unit has been open since 1974, has 49 full-time residents, one respite bed, and 20 to 25 patients availing of day care services.

Extra equipment has been provided to the unit but the problem is that there is insufficient storage space for it and not enough beds. Planning permission has been granted to refurbish and extend the premises and there is a health and safety issue with the storage of equipment. This unit is one of several public day care centres in Westport and it has provided a good service over the years. I congratulate the matron and her staff on the excellent job they have done in looking after their elderly patients. It is proof of their good work that so many seek beds in the day care centre.

The previous Minister for Health and Children, Deputy Martin, announced a package of €170 million for the provision of 800 community beds, of which Westport expected to receive a proportion. I was disappointed to learn on the Order of Business this morning that the new Minister, Deputy Harney, has stopped the sanction for these beds. We cannot have a situation where badly needed beds in every hospital are occupied by patients who should be in long-stay care but for whom no such facilities are available.

The Government must get its act together and I call on the Tánaiste and Minister for Health and Children to provide the necessary funding for the MacBride unit in Westport so that extra beds can be provided and equipment properly stored. Patients in need of long-stay residential care must be accommodated in nursing homes such as this so that hospital beds can be freed up. The MacBride unit has the necessary planning permission and a willing staff. Extra staff will be required when the extension is completed because there is only one nurse and one care attendant looking after 50 patients every night. This is unacceptable.

Is the Government serious about providing adequate care services for the elderly? The home help scheme and the new home care package announced by the Government are inadequate. We were told in the House this morning that the funding for the latter scheme has already been spent. This Government is engaged in too much spin. The Tánaiste has 14 spin doctors but there are fewer than 14 medical doctors in Mayo General Hospital to look after the needs of the entire county. We must get our priorities right and provide adequate resources for care services for the elderly. I call on the Minister of State to provide the necessary funding for the MacBride facility in Westport.

Mr. T. O'Malley: I must correct the Deputy. The Tánaiste does not have 14 spin doctors but it is a good line.

Mr. Ring: That information was provided in last week's *Sunday Independent*.

Mr. T. O'Malley: Does the Deputy believe everything he reads in the *Sunday Independent*?

Mr. Ring: The Government gets a great deal of coverage in that newspaper. I do not have the privilege of writing an article for it.

An Ceann Comhairle: The Minister of State should be allowed to reply without interruption.

Mr. T. O'Malley: The Government has made services for older people a priority and is fully committed to the development of a comprehensive health service capable of responding quickly, fully and effectively to the health service needs of

older people. In recent years, health and social services for older people have improved both in hospitals and in the community. Since coming into office, the Government has substantially increased the level of funding, both capital and revenue, in respect of services for older people. In excess of €302 million in additional funding has been provided for services for older people from 1997 to date. This serves to demonstrate the Government's ongoing commitment to improving services for our older population.

Significant capital funding for the health sector has been provided since the commencement of the national development plan in 2000. A day care centre is recognised as an important service in the continuum of care necessary to support older people to remain living at home. It provides older people in the area with a facility where they can meet new friends and enjoy recreational activities, thus promoting social contact among older people and preventing loneliness. Such facilities provide a break for carers and social and physical stimulation in a safe environment for older members of the local community.

Older people deserve first-class facilities and recent years have seen dramatic changes in both the concept and practice of services for older people. Good progress has been made, and continues to be made, in developing a comprehensive, community-based service that is integrated with other health services. The shift in the delivery of services from predominantly hospital-based care is achieving success. There is no doubt the quality of care for older people has been enhanced by this development. The issues surrounding older people and their welfare are given priority by this Government.

The MacBride community nursing unit is a 40-bed Health Service Executive western area facility located in Westport, County Mayo. The existing services include residential, respite, day care, physiotherapy and occupational therapy outreach services. The Health Act 2004 provided for the Health Service Executive which was established on 1 January 2005. Under the Act, the executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including its capital programme.

The progression of the proposed day care centre at the MacBride nursing unit is therefore a matter for the HSE. The proposal to refurbish the building is primarily aimed at increasing day care capacity to cater for the waiting list for this service. Approximately 18 to 20 persons attend the service on a daily basis. To increase capacity, it is necessary to reorganise the services internally as the site available is limited for development purposes.

The Department has been provided with the details in respect of this project by the HSE. The proposed works consist of both new build and

[Mr. T. O'Malley.]
refurbishment proposals at the existing unit. Planning permission has been granted and a fire safety certificate has issued for the project. However, an outstanding issue of site ownership must be addressed before the project can proceed further. Professional fees paid to date for the project amount to nearly €47,000, an element of which

was in respect of upgrading works to the existing nursing unit. It is a matter for the HSE to consider the proposed development at the unit in the context of its overall priorities and funding resources for 2005 or beyond.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 28 April 2005.

Written Answers

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 12, inclusive, answered orally.

Questions Nos. 13 to 41, inclusive, resubmitted.

Questions Nos. 42 to 48, inclusive, answered orally.

Capital Expenditure.

49. **Mr. P. Breen** asked the Minister for Finance if he is arranging to receive regular reports on the progress of major capital projects with regard to cost over-runs and scheduled delivery times. [13270/05]

Minister for Finance (Mr. Cowen): Primary responsibility for managing capital programmes and the evaluation, planning and execution of capital projects on time and in line with budget rests with the Government, Ministers, Departments and the implementing agencies directly concerned. Specific questions about individual projects should be directed to the relevant Ministers.

I have, with the approval of the Government, set out the overall policy framework for capital programmes and this is articulated through the multi-annual capital envelopes which set out resources available on a rolling five year basis. I have also put in place best practice guidelines for the appraisal and management of capital projects. Ministers and their Departments have, in general, delegated sanction to approve projects within this framework.

Under the general conditions of sanction for the capital envelopes, each Department or agency is required to: observe the guidelines for the appraisal and management of capital expenditure proposals in the public sector; report regularly — at least every six months — to its MAC on the evaluation of capital projects prior to approval, the management of capital projects and on progress on its capital programmes; put a system in place to carry out annual spot checks of projects. Departments are also now required under the capital envelope framework to report annually to my Department on progress on capital programmes and projects above a specified threshold.

This framework is designed to ensure that Departments and their agencies apply best practice in regard to project assessment, including better appraisal at appraisal stage of project costs over the project life cycle and the close monitoring of projects against approved budget and time frame.

Tax Collection.

50. **Mr. McCormack** asked the Minister for Finance the increase in the number of persons who will become subject to income tax as a consequence of the increase in the minimum wage. [13299/05]

113. **Ms McManus** asked the Minister for Finance if the Government is committed to keeping those on the national minimum wage out of the tax net; the number of persons on the national minimum wage who are expected to be brought back into the tax net as a result of the increase to €7.65 per hour approved by the Labour Court being implemented; the steps he intends to take to remove these low earners from the tax net; and if he will make a statement on the matter. [13350/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 50 and 113 together.

It was this Government that introduced the minimum wage to protect low paid workers and it was this Government which, over the last eight budgets, removed a record number of about 460,000 workers from the tax net entirely. In addition, from 1 May 2005, when the increased wage takes effect, we will have one of the highest minimum wages in the European Union, second only to Luxembourg. Since its introduction in April 2000, the minimum wage has increased by almost 37%, taking account of the latest increase.

The present entry point to income tax is €14,250 per annum for a single person aged under 65 years. The Revenue Commissioners provisionally estimate that there will be roughly 37,000 income earners in an income range which would bring them into the tax net if their annual earnings reflected fully the increase in the national minimum wage. However, this group will of necessity include part-time workers earning more than the minimum hourly wage and certain pensioners whose earnings are in the equivalent range. The 37,000 should, therefore, be seen as the upper band for any estimate of the number who may ultimately come into the tax net on a full year basis as a result of the minimum wage increase. The provisions included in next December's budget will also be relevant in this context.

EU Directives.

51. **Ms Shortall** asked the Minister for Finance if the 1999 EU directive on fixed term contracts is now being applied to all public sector workers; if there has been communication from the EU Commission on this matter; and if he will make a statement on the matter. [13367/05]

Minister for Finance (Mr. Cowen): The EU Directive 1999/70/EC on fixed term workers was transposed into law as the Protection of Employees (Fixed Term Work) Act 2003 with effect from 14 July 2003. The purpose of the Act, which implements Directive 1999/70/EC of 28 June 1999 concerning the framework agreement

[Mr. Cowen.]

on fixed term work concluded by the social partners ETUC, UNICE and CEEP at European level with due transposition date of 10 July 2001, is: to provide for the improvement of the quality of fixed term work by ensuring the application of the principle of non-discrimination, that is, fixed term workers may not be treated less favourably than comparable permanent workers, and to provide for the removal of discrimination against fixed term workers where such exists and the establishment of a framework to prevent abuse arising from the use of successive fixed term employment contracts.

One of the main provisions of the Act is that there are restrictions on rolling over fixed term contracts. In effect, employers are obliged to consider making staff permanent before continuing to employ them on a fixed term contract when the time limit of three to four years set by the Act has been reached. In most cases, permanency should be given by an employer unless the work being undertaken is linked to completion of a specific task. My colleague, the Minister for Enterprise, Trade and Employment, has general responsibility for the Act.

Fixed term workers employed in the Civil Service are protected by the Protection of Employees (Fixed Term Work) Act 2003. They have clear and definite rights under that Act. Government Departments, like all employers, must follow the letter and the spirit of the law. This means that the full terms of the Act were applied to all Civil Service workers from 2003. There are also requirements on employers to issue written contracts and to deal with staff in an open and transparent manner.

In 2004, a number of cases involving six Departments were taken to the rights commissioner service of the Labour Relations Commission, LRC, under the Protection of Employees (Fixed Term Work) Act 2003. These cases were heard in December 2004 and January 2005. The rights commissioner's decision was issued on 3 February 2005. A number of issues have arisen as a result of her decision. These have given rise to concerns of a legal nature. In that light I decided that a notice of appeal should be lodged with the Labour Court. The hearing is scheduled for 7 and 8 July 2005.

There has been no communication from the EU Commission to my Department on this matter. The Minister for Enterprise Trade and Employment has general responsibility for the implementation of the Act. I have made inquiries with him and I understand he has not received a communication from the EU Commission on this matter either. The matter is being monitored on an ongoing basis by my Department.

Remuneration in the Public Sector.

52. **Mr. Howlin** asked the Minister for Finance the terms of reference of the review body on higher remuneration in the public sector; when the review body is likely to complete its work;

and if he will make a statement on the matter. [13345/05]

Minister for Finance (Mr. Cowen): The review body on higher remuneration in the public sector is a standing body which makes recommendations to the Government on the remuneration of political office holders, the Judiciary, civil servants from assistant secretary level up, top local authority and health service posts, the commissioner ranks in the Garda Síochána, the general ranks in the Defence Forces, the chief executive officers of non-commercial State sponsored bodies and other top public service posts.

The standing terms of reference are to act as a standing body whose primary function will be to advise the Government from time to time on the general levels of remuneration appropriate to: members of the Government, Ministers of State, the Attorney General and the Chairman and Deputy Chairman of Dáil Éireann and Seanad Éireann; the Judiciary; civil servants outside the scope of the Civil Service conciliation and arbitration scheme; higher management grades in the local authorities and Health Service Executive not covered by the public service benchmarking body process; the ranks of commissioner, deputy commissioner, assistant commissioner and surgeon in the Garda Síochána; chief of staff, lieutenant-general, major-general and brigadier-general or commodore in the Defence Forces; the Comptroller and Auditor General; the chief executives of non-commercial State sponsored bodies; hospital consultants; and such other posts as it may be asked to examine from time to time.

The review body has been asked to complete a general review and report in 2007. Since by the time the review body completes that report seven years will have elapsed since the last general review was completed rather than the four that was envisaged in the review body's previous terms of reference, the Government decided that the body should be asked to examine whether an interim increase was warranted. The body is to report on this aspect of its work by end of June this year.

In addition, later this year the review body will examine some new senior management posts in the Health Service Executive. Late last year an agreement was reached with the union representing senior personnel in the health boards, programme managers and directors of service who are being amalgamated into the newly established Health Service Executive. It was agreed that some review of the jobs was needed and that it should be carried out by the end of this year to establish appropriate remuneration levels.

Dormant Accounts Fund.

53. **Ms Lynch** asked the Minister for Finance the latest figures available to his Department as to the value of uncashed bank drafts; if he will consider procedures to divert the money from such uncashed drafts into the dormant funds

account; and if he will make a statement on the matter. [13347/05]

Minister for Finance (Mr. Cowen): The question of the inclusion of uncashed bank drafts in a dormant accounts scheme has been raised in the House over recent years, including during the passage of the Dormant Accounts Act 2001. At that time a sample based estimate suggested that the value of bank drafts in circulation, uncashed for a 15 year period, corresponding to the definition of dormant accounts, might have been in the order of €6 million approximately.

More recently, the financial regulator surveyed the credit institutions which issue these drafts. This work yielded figures for domestic currency drafts remaining uncashed for various periods between six months and 15 years. The information was obtained by the regulator in response to a request from the Oireachtas Joint Committee on Finance and the Public Service and was provided to the committee on 15 March 2005. I have arranged for the Deputy to receive a copy of the table.

As the Deputy will note from the table, in the context of the 15 year dormancy period defined in the existing scheme, the value of bank drafts outstanding for that period is €3 million approximately. This is a relatively small proportion of the resources generated under the present scheme. It is likely that this figure would be reduced further in circumstances where it was proposed to bring uncashed drafts within the dormant accounts scheme.

Moreover, there are a number of significant issues that would require to be resolved relating to the alignment of uncashed bank drafts with the financial instruments covered under the current scheme. These include the questions of establishing beneficial ownership, notification procedures, the characteristics of uncashed bank drafts as instruments which are not accounts, as well as the likely requirement for primary legislation. My Department is continuing to liaise with the financial regulator and the banking industry on these issues and also to gather detailed information with a view to determining the merits or otherwise of incorporating uncashed bank drafts into the current scheme.

Economic Competitiveness.

54. **Mr. Durkan** asked the Minister for Finance if he has satisfied himself that economic policy is adequately focused to attract investment and retain existing jobs; if he has observed any indicators to the contrary; if he proposes any action in response; and if he will make a statement on the matter. [13425/05]

Minister for Finance (Mr. Cowen): The Government's economic and budgetary strategy is based on pursuing economic growth and full employment as the basis of continued prosperity and enhanced living standards for all. In this regard maintaining and improving Ireland's competitive position is imperative to ensure Ireland

continues to grow strongly and remains an attractive location for inward foreign direct investment.

We have no control over some of the factors influencing competitiveness, such as the exchange rate. However, we must always seek to ensure that our domestic cost base does not undermine competitiveness. In this context, it is important to maintain low inflation, pursue sensible incomes policy and keep public spending growth at sustainable levels in the medium term. This will allow us to keep the burden of taxation low to protect competitiveness and maximise our economic potential.

Irish inflation was below the euro area average in March. The Government's anti-inflation strategy has contributed to this favourable development and my decision not to increase excise duties in budget 2005 has helped the inflation performance this year. In terms of wage costs, the Government remains focused, through the partnership process, on securing a responsible approach to earnings growth in the economy.

I am confident that Ireland remains well placed to maintain our position as an attractive location for overseas investors. The taxation system has been reformed, our workforce is highly skilled and infrastructural development has been prioritised. These key policy orientations equip Ireland with the skills, infrastructure, facilities and overall operating environment that will allow us to compete effectively for projects at the upper end of the high skill/high wage spectrum, which is where our competitive advantage now lies.

Disabled Drivers.

55. **Mr. G. Mitchell** asked the Minister for Finance his plans for reform of the tax concessions for disabled drivers. [13301/05]

Minister for Finance (Mr. Cowen): A special interdepartmental review group has already reviewed the operation of the disabled drivers scheme. The terms of reference of the group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it both on an administrative and user level, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The group's report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also makes a number of recommendations, both immediate and long-term, encompassing the operation of the appeals process and options for the future development of the scheme.

Following the report's immediate recommendations concerning the appeals process, amendments to the regulations governing the scheme

[Mr. Cowen.]

were made by my predecessor in July 2004, and by me earlier this month, to improve the operation of the appeals process. These amendments included providing for an expansion of the panel of medical practitioners serving on the medical board of appeal from three to ten. This will substantially reduce the waiting time for appellants.

In respect of the long-term recommendations, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance will consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

This Government is committed to supporting and reinforcing equal participation in society by people with disabilities. I remind the Deputy that disability was one of the priority areas where I substantially increased investment in budget 2005. Any changes to this scheme will be considered in the context of the overall development of policy in this area.

Tax Collection.

56. **Ms B. Moynihan-Cronin** asked the Minister for Finance the number of court prosecutions initiated as a result of tax evasion in respect of each year since 1997; the number of cases in which convictions were secured; the number of cases in which prison sentences were imposed and if he will give the sentence in each case; if he has satisfied himself with the level of court cases taken having regard to the high level of evasion; if he will report on the work of the investigations and prosecutions division of the Revenue Commissioners; and if he will make a statement on the matter. [13352/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the following information provides the up to date position on court prosecutions initiated for tax evasion.

In 1997, there was one prosecution initiated for tax evasion. A fine of €635 was imposed with no custodial sentence. In 1998, there were six cases initiated and six convictions secured; fines totalling €42,854 were imposed. There were two custodial sentences, one of six months suspended and one of two years suspended. In 1999, there were two cases. In one case a fine of €19,046 was imposed with no custodial sentence. In 2000, three cases were initiated and three convictions were secured. Fines totalling €952 were imposed. There were two custodial sentences, one of two years, reduced to 18 months on appeal, and another of 12 months suspended.

In 2001, there were four cases and fines totalling €14,284 were imposed. There were four custodial sentences, one of 12 months, two of six months suspended and another of three months.

In 2002, there were three cases initiated and three convictions secured. Fines totalling €5,540 were imposed and one custodial sentence of six months suspended. In 2003, there were six cases initiated and six convictions secured. Fines totalling €29,365 were imposed and one custodial sentence of two years suspended.

In 2004, there was one case, a fine of €5,000 was imposed and 180 hours community service was imposed in lieu of a three month custodial sentence. In 2005 to date, there have been eight cases, four of which are still in the court process. In the completed four cases, fines totalling €22,200 have been imposed. There has been one custodial sentence of three months, another sentence of 240 hours community service in lieu of a six months custodial sentence, another of 120 hours community service in lieu of three months custodial sentence and there is one case adjourned awaiting sentence.

The Revenue Commissioners have a clear policy of prosecuting cases of serious tax evasion. This function is tasked to their investigations and prosecutions division. Following Revenue Commissioners restructuring in 2003, all investigation activity was consolidated in this division with a remit to co-ordinate all Revenue Commissioners prosecution work and, in particular, to increase the number of criminal investigations for serious tax offences and ultimately to increase the number of prosecutions. The number of investigators was also increased for this purpose.

Recent figures indicate that this approach is proving successful. There are currently 47 cases under investigation for potential prosecution, the Director of Public Prosecutions is considering a further 13 cases and has given directions to prosecute in another six. Bench warrants have been issued in two cases for failure to attend court and, as I have stated, four cases are still in the court process. Combined with the four successful prosecutions to date in 2005, it is the highest overall figure to date and vindicates the decision to concentrate Revenue Commissioners' prosecution resources in one area.

Pension Provisions.

57. **Mr. Sherlock** asked the Minister for Finance the total amount in the funds of the national pensions reserve fund at the latest date for which figures are available; the amount invested outside of Ireland; the amount held in cash balances; and if he will make a statement on the matter. [13365/05]

Minister for Finance (Mr. Cowen): The 2003 annual report of the National Pensions Reserve Fund Commission shows that at 31 December 2003 the market value of the fund was €9,561 million. This included cash deposits of €1,283 million, other net current assets of €36 million, unrealised gains on foreign derivative contracts of €70 million and equities and bonds worth €8,172 million. Of this €8,172 million, €8,099 million was invested in non-Irish equities and bonds.

The commission also publishes quarterly performance statements setting out a summary of the fund's performance in the year to date as a means of improving the timeliness of information on the fund. The statements do not distinguish between Irish and non-Irish investments. The most recent of these statements, for the quarter to end March 2005, was published on 22 April 2005. It shows that the estimated market value of the fund was €12,309 million at 31 March 2005. Of this amount, €1,304 million was held in cash and other net current assets, including derivatives, €19 million in property, a total of €9,479 million in equities and €1,507 million in bonds.

The commission is required by the National Pensions Reserve Fund Act 2000 to include in its annual report information on the investment strategy followed by the fund, a report on the investment return achieved and a valuation of the net assets of the fund at year end. These requirements are designed to ensure that detailed information concerning the fund is made available to the Minister and the public.

The National Pensions Reserve Fund Commission, which manages the fund, is independent of Government. It controls and manages the fund with discretionary authority to determine and implement the fund's investment strategy. This investment strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long term, having regard to the purpose of the fund as set out in section 18(1) of the National Pensions Reserve Fund Act 2000 and the payment requirements of the fund as provided for under section 20 of the Act, provided the level of risk to the moneys held or invested is acceptable to the commission.

Decentralisation Programme.

58. **Mr. S. Ryan** asked the Minister for Finance when it is intended to appoint a new chairperson to the decentralisation advisory committee, following the recent resignation of Mr. Phil Flynn; and if he will make a statement on the matter. [13363/05]

Minister for Finance (Mr. Cowen): I appointed Mr. Finbarr Flood, former chairman of the Labour Court, to the chair of the decentralisation implementation group on 20 April 2005.

Tax Code.

59. **Mr. Sargent** asked the Minister for Finance if his Department or the Revenue Commissioners has quantified the likely impact on revenues of the recent European Court of Justice ruling facilitating the repatriation of foreign losses by EU companies. [13378/05]

124. **Mr. Quinn** asked the Minister for Finance if his Department has done any assessment of the implications for corporation tax receipts of the recent draft decision of the European Court of Justice in a case between a company (details supplied) and the British authorities regarding

the repatriation of foreign losses by EU firms; and if he will make a statement on the matter. [13359/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 59 and 124 together.

An opinion has been issued by the advocate general in the case to which the Deputies refer and this is currently being examined. This opinion is, of course, not binding on the European Court of Justice and the court has yet to come forward with a decision. In advance of that judgment, it is not appropriate to speculate on matters that are before the court or to attempt to pre-empt a European Court of Justice ruling.

60. **Mr. Timmins** asked the Minister for Finance if he will consider integrating the payment of family income supplement with the tax code in order that the low take up of this entitlement may be addressed. [13294/05]

174. **Mr. McGuinness** asked the Minister for Finance if he will consider providing family income supplement by means of a tax credit rather than as a welfare payment; the likely cost to the Exchequer of such a change; and if he will make a statement on the matter. [13664/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 60 and 174 together.

The issue of paying family income supplement through the tax system was considered in late 2002 by a working group established under the Programme for Prosperity and Fairness to examine the role which refundable tax credits can play in the tax and welfare system. The group was made up of representatives of the social partners and was chaired by my Department.

A perception existed at the time that the take up of the FIS scheme was low, that it was not reaching intended beneficiaries to the extent that it might and that payment through the tax and payroll systems might help in that regard. The take up of the scheme had peaked at about 14,700 at the end of 1999 but had subsequently declined to 11,700 at end September 2002. However, the examination undertaken suggested that some of the perceived disadvantages for eligible persons under the existing system, for example, the need to make an application to a State agency, could apply equally to FIS paid through the tax and payroll systems. The examination also suggested that it would probably not prove feasible to introduce a system whereby FIS would be paid automatically to eligible persons through the tax and payroll systems and that there would be considerable complexities involved in such a scheme for employers and for the Revenue Commissioners.

Since 2002, the numbers availing of the scheme have risen significantly. Average annual numbers of claimants for the years 2002 to 2004 are 11,716, 12,303 and 13,508, respectively. In the week ending 8 April 2005 there were 15,040 claimants. This represents an increase of nearly 25% since December 2002. The improved take up may be due to a number of factors, including generous

[Mr. Cowen.] increases in FIS income thresholds over successive budgets, an increase in the minimum weekly FIS payment to €20, expansion of the economy and greater flexibility in working arrangements. Having regard to the improved level of take up, I do not consider it necessary at this time to consider implementing a change in the provision of FIS along the lines mentioned by the Deputies.

I am advised by the Revenue Commissioners that it is not possible to provide a reliable estimate of the cost to the Exchequer of such a change in the time available to answer the questions. However, the costs would be likely to include elements related to information technology and administration changes for employers and for the Revenue Commissioners in addition to the costs for the scheme itself. The estimated cost of the scheme in its present form is approximately €74 million in 2005.

Special Savings Incentive Scheme.

61. **Mr. S. Ryan** asked the Minister for Finance the number of special savings investment scheme accounts opened at the latest date for which figures are available; the average amount of savings per investor per month; if, on the basis of such figures, his Department will now give a definite figure for likely cost to the Exchequer of the special savings investment scheme; and if he will make a statement on the matter. [13364/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that all qualifying savings managers are furnishing their 2004 SSIA annual returns at present. The Revenue Commissioners are analysing these returns

and it is expected that final details of this analysis will be available shortly.

All qualifying savings managers have, in advance of the annual return, provided a declaration indicating the number of active accounts held at 31 December 2004. Based on these 2004 declarations, I am informed by the Revenue Commissioners that the total number of active accounts at 31 December 2004 was 1,094,188 and the average monthly subscription was €175. Revisions may be necessary if amendments are received at a later date.

As indicated in replies to previous questions, it is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to a number of variables such as participants dying, withdrawing from the scheme or varying their monthly contributions. The cost of the scheme in 2004 was €548 million. Based on the average tax credit payout in the first three months of 2005, the estimated cost in 2005 is €572 million. This, however, is not a conclusive figure and the final figure may be different if account holders change their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

State Property.

62. **Ms B. Moynihan-Cronin** asked the Minister for Finance the position regarding the planned sale of State property announced; the property sold to date and the amount raised; the way in which the money used has been raised; the properties it is planned to sell during 2005; and if he will make a statement on the matter. [13351/05]

Minister of State at the Department of Finance (Mr. Parlon): The information is set out in the table.

Building	Title	Price	Closing Date of Sale
		€	
2 Church St., Dungarvan, County Waterford	Fee Simple	337,000.00	12 May 2004
Lad Lane, Dublin 2.	Leasehold — 92 years	22,500,000.00	5 May 2004
Blacklion Customs Frontier Post Site — Cavan		21,586.23	16 March 2004
72-76 St. Stephen's Green, Dublin 2.	Fee Simple	52,300,000.00	15 September 2004
Kilmacthomas G.S., County Waterford	Fee Simple	100,000.00	13 August 2004
14/16 Lord Edward Street, Dublin 8.	Fee Simple	8,780,140.48	30 August 2004
Thomastown GS, County Kilkenny	Fee Simple	450,000.00	7 December 2004
	Total 2004:	84,488,726.71	
Dungloe Former SWO, County Donegal	Fee Simple	300,000.00	25 April 2005

A site beside the Garda station in Leighlinbridge, County Carlow, was sold at auction on 26 March 2005 for €150,000. Sale is due to close shortly. A site at St. John's Road, Westgate, is to be sold, jointly with Eircom, by public tender on 26 May 2005. A site at Ashbourne Garda station is due to be sold at auction in June.

The bulk of the proceeds of these sales will go to finance the decentralisation programme while

€10 million of the proceeds has been applied to priority projects, mainly in the Garda area. Identification of properties surplus to requirements is continuously evolving and it is not possible to confirm what further properties will be disposed of in the remainder of 2005. Premature release of disposal information and timescales would also affect the potential income from such disposals.

Decentralisation Programme.

63. **Mr. Rabbitte** asked the Minister for Finance the estimated *per capita* cost of relocating public servants under the Government's decentralisation programme; and if he will make a statement on the matter. [13362/05]

Minister for Finance (Mr. Cowen): Details of the Government's decentralisation programme were first announced in budget 2004. At that time it was also stated that, with regard to property, the overall objective would be to ensure that property being acquired at regional level is matched as closely as possible, both in time and in cost terms, by disposal of property currently held in the Dublin region, whether held on lease or otherwise.

The decentralisation implementation group was appointed to drive forward implementation of all aspects of the programme. The property aspects of the programme were included among the group's terms of reference. In November 2004, the implementation group submitted two reports to me and the recommendations in both reports were approved by the Government. One of these reports related to procurement methodology and financial assessment of the property aspects of the programme. A financial model has been prepared by the implementation group, based on a property finance study carried out by the Office of Public Works. Using current assumptions this model shows that break even position in property will be reached in 2026.

With regard to the non-property aspects of the programme, the question of removal expenses and voluntary early retirement does not arise. Similarly, it has been made clear from the outset that as participation in the programme is voluntary, the payment of removal expenses does not arise. As regards other costs, a report was prepared by Deloitte at the request of the implementation group and published in November 2004. This report dealt with the areas in which non-property costs and savings might arise both during the relocation phase and in the context of a post-decentralised Civil Service. It is available at www.decentralisation.gov.ie.

Overall, at this stage it is not possible to give a *per capita* cost for the programme but I am satisfied that the proper structures are in place to monitor all aspects of the costs on an ongoing basis.

Tax Code.

64. **Mr. Durkan** asked the Minister for Finance if he has had any overtures from his EU colleagues in regard to taxation levels; and if he will make a statement on the matter. [13424/05]

Minister for Finance (Mr. Cowen): The EU Finance and Economic Ministers meet on a monthly basis as the ECOFIN Council. Various taxation dossiers feature on the Council's agenda on a regular basis. However, the question of the appropriate level and mix of taxation that is

applied in any member state is a matter for each individual member state to decide on, having regard to its particular circumstances.

Tax Yield.

65. **Ms O. Mitchell** asked the Minister for Finance his estimate of the value of increased tax revenue arising from the increase in the cost of motor fuels. [13434/05]

Minister for Finance (Mr. Cowen): The taxation of motor fuel is made up of two elements, mineral oil excise and VAT. The amount of mineral oil excise collected is based on the volume of motor fuel sold, in this case the number of litres of petrol or diesel sold. The revenue collected from mineral oil excise does not fluctuate with price changes. Therefore, assuming there is no change in the volume sold, the increase in tax revenue arising from increases in the cost of motor fuels will correspond to an increase in VAT revenue.

Accordingly, I am informed by the Revenue Commissioners that the increase in VAT revenue arising during 2004 due to movement in national average retail prices for petrol and auto diesel is estimated at €22.9 million and €2.9 million respectively. These estimates are based on provisional volume clearances during the calendar year 2004. It should be noted that the VAT content of auto diesel purchases is a deductible credit for business in the Irish VAT system.

Banking Sector Regulation.

66. **Mr. Howlin** asked the Minister for Finance if he has satisfied himself that there are sufficient procedures in place to provide for the adequate supervision of banks, in view of the continuing disclosures of incidences of overcharging by banks and financial institutions; and if he will make a statement on the matter. [13346/05]

Minister for Finance (Mr. Cowen): The Central Bank and Financial Services Authority of Ireland Act 2003 established the Irish Financial Services Regulatory Authority. The post of consumer director is specifically provided for within the structure of the financial regulator established under that Act. The director exercises important consumer protection powers under legislation.

The Central Bank and Financial Services Authority of Ireland Act 2004 complemented the 2003 Act and further enhanced the financial regulator's powers and strengthened the regulatory environment. This Act conferred new powers on the financial regulator to impose stiff administrative penalties, to be applied where there is a breach of: any financial services legislation; codes of conduct issued by the regulator; any condition, requirement or direction imposed under legislation or codes.

The Act provided for an enhanced structure for dealing with consumers who have complaints about financial institutions and also provides consumer and industry consultative panels for the

[Mr. Cowen.] financial regulator. The consumer panel will have an important role in ensuring that the regulator is correctly reflecting the interests of consumers in its protective — issue of codes of conduct — and educational — information pamphlets and so forth — roles. The Act also established a single statutory Financial Services Ombudsman for all financial services firms. The ombudsman's office began operations on 1 April 2005. The ombudsman has significant powers of investigation, mediation and adjudication and may order redress in appropriate circumstances.

The Consumer Credit Act 1995, which commenced in May 1996, regulates the provision of consumer credit. It prescribes *inter alia* the form and content of credit agreements for consumer lending, including in the case of loans secured on the family home a requirement to warn the borrower about the risk of losing their home. The Act also provides for the regulation of fees and charges imposed by credit institutions.

In view of the legislative measures outlined above, I am satisfied that a robust regulatory structure for the protection of consumers is now in place and that it continues to function satisfactorily. This structure is proving effective in detecting overcharging issues in the first instance and in working closely with the relevant financial institutions to ensure that the customers affected are reimbursed and the systems required to avoid a recurrence are put in place.

Tax Collection.

67. **Mr. O'Dowd** asked the Minister for Finance if he has satisfied himself that the Revenue Commissioners are receiving proper co-operation in their pursuit of tax evasion associated with simple premium insurance policies; and if he will make a statement on the matter. [13284/05]

103. **Ms Burton** asked the Minister for Finance if his attention has been drawn to the decision of Irish Life and Permanent not to co-operate with the Revenue Commissioners investigation into undisclosed funds invested in life assurance products; if he has had contact with the company on the matter; the options now open to the Revenue Commissioners in regard to Irish Life and Permanent customers; and if he will make a statement on the matter. [13337/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 67 and 103 together.

I am advised by the Revenue Commissioners that their officers have been, and continue to be, engaged in discussions with the insurance industry through its representative body, the Irish Insurance Federation, and have received support and co-operation from them. In parallel with these discussions, the Revenue Commissioners sought and received statistical data from each insurance company.

More recently, the chairman of the Revenue Commissioners has requested each insurance

company to write to customers, whose investments exceed or exceeded €20,000, outlining the nature and scope of the proposed investigation and the voluntary disclosure arrangements which exist for those who may have potential tax issues. Giving notice to customers of the proposed Revenue Commissioners investigation ensures that those with potential tax problems will have an increased awareness of their position.

To date, most companies have stated that they will write to their customers. Only one company, Irish Life and Permanent plc, has declined to write to its customers. I am aware that the Revenue Commissioners are concerned that this may result in some Irish Life customers not availing of the voluntary disclosure scheme before its expiry date. However, it does not mean that Irish Life and Permanent plc customers will avoid being detected. On the contrary, the Revenue Commissioners will shortly begin conducting on site investigations in insurance companies, including Irish Life and Permanent plc, to identify all individuals who have used life assurance products to seek to hide moneys which should have been disclosed for tax purposes but were not.

Those who have not availed of the voluntary disclosure scheme will then be pursued for tax, interest and penalties and their names will be published in *Iris Oifigiúil* if the settlement exceeds the publication threshold of €12,700. It is clearly then in the best interests of individuals that they avail of voluntary disclosure and their insurers should assist them in this. While I have had no direct contact with the company, I am of the view that the approach adopted by practically all the insurance industry will be of great assistance to the Revenue Commissioners investigation and, in particular, to investors who have tax problems. In these circumstances, it is hoped that Irish Life and Permanent plc will provide similar support and assistance to this process.

All investors in life assurance products who have tax problems are required to notify the Revenue Commissioners of their intention to disclose by 23 May 2005. Those who do not will be identified and pursued for all outstanding liabilities in the follow up phase after that date. The Finance Act 2005 has provided a new power to the Revenue Commissioners to examine the customer records of insurance companies in the context of seeking High Court orders for the subsequent disclosure of relevant information. The Revenue Commissioners will use these powers to the full to identify individuals who do not come forward voluntarily.

Decentralisation Programme.

68. **Mr. Sargent** asked the Minister for Finance if, in light of the price recently paid for a site in Thornton, to which Mountjoy Prison is to be relocated, and in view of difficulties encountered in acquiring a site for FÁS in Birr at a reasonable price, he envisages that the State will incur similarly massively inflated costs when buying sites

to facilitate the decentralisation programme; his proposals that would avoid such scenarios; and if he will make a statement on the matter. [13379/05]

Minister of State at the Department of Finance (Mr. Parlon): In respect of the decentralisation locations for which the Commissioners of Public Works have responsibility, the commissioners' objective at all times is to secure property solutions which not only meet the requirements of the decentralising Departments or offices but also satisfy the criterion of good value for money. Towards this end, the commissioners engage the expertise of both OPW and external valuers to assess the market value of the various property solutions on offer at each of the decentralisation locations.

In making their assessment the valuers have due regard to the prevailing property market conditions in each of the geographical areas concerned, with particular regard to the range of recent pertinent property transactions that have been completed at each location. The commissioners consider that the acquisition process being pursued will ensure that the cost of the property acquisitions for the decentralisation programme will accord with general market prices.

Tax Code.

69. **Mr. Broughan** asked the Minister for Finance, arising from the recent report from the Revenue Commissioners on the effective tax rates of the top 400 earners for the tax year 2001, the reason a decision has been made that anyone who pays DIRT will not be counted as having zero percent effective tax rate; and if he will make a statement on the matter. [13339/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners, with regard to their recent report on effective tax rates of high earners, that for the small number of taxpayers whose income consisted of large sums of deposit interest, DIRT deducted meant that their effective rate of income tax paid was very close to the 20% standard rate — the rate at which DIRT is deducted from deposit interest. This is because DIRT deducted at the standard rate is a final tax: the taxpayer has no further liability to income tax on the deposit interest concerned. Deposit interest retention tax is income tax no less than any other income tax and it is appropriate to include it in such studies on tax paid by those on high incomes. That this was not done in the past was an oversight which has now been corrected.

Expenditure Reviews.

70. **Mr. Connaughton** asked the Minister for Finance if he has initiated a fresh programme under the expenditure review initiative to cover the years 2005 to 2007; the percentage of total expenditure which will be covered by the agree-

gate of planned reviews; and the other changes he has made. [13278/05]

Minister for Finance (Mr. Cowen): It is the intention to have a new round of expenditure reviews for the period 2005-07 and my Department has written to all Departments and offices requesting them to propose new topics for the 2005-07 round of expenditure reviews. When the responses of all Departments and offices have been received and assessed for their adequacy in line with the recent report of the expenditure review central steering committee, ERCSC, to the Minister for Finance, I will be seeking to ensure that each Department and office will conduct reviews which encompass a significant proportion of their spending.

I will then bring proposals for the 2005-07 round of reviews to Government for approval in the light of the ERCSC's deliberations. The percentage of total expenditure covered by the reviews will become apparent at that stage.

Tax Code.

71. **Mr. Kehoe** asked the Minister for Finance if he has plans to extend the provision of tax relief at source so all persons benefit from the relief to which they are entitled. [13293/05]

190. **Mr. Bruton** asked the Minister for Finance if he has plans to extend the provision of tax relief at source so all persons benefit from the relief to which they are entitled. [13652/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 71 and 190 together.

At present tax relief at source arrangements exist for medical insurance premia and mortgage interest relief. The arrangements were put in place in the Finance Act 2001 to ease the administrative burden for claimants and for the Revenue Commissioners. The question of the further extension of tax relief at source arrangements is a matter for consideration in the context of future budgets and Finance Bills having regard to relevant factors such as administrative benefits and cost. However, I have no immediate plans in this regard.

Stability and Growth Pact.

72. **Caoimhghín Ó Caoláin** asked the Minister for Finance the discussions he has had at EU level regarding the Stability and Growth Pact; and if he will make a statement on the matter. [13437/05]

106. **Mr. Broughan** asked the Minister for Finance the implications of the recent changes agreed to the Stability and Growth Pact; the reasons Ireland was not represented at the meeting of EU Finance Ministers where the changes were finalised; and if he will make a statement on the matter. [13340/05]

117. **Mr. Neville** asked the Minister for Finance the implications of the revised stability pact for

[Mr. Neville.]
Ireland; and if he proposes to change the capital spending plans up to 2009 outlined in budget 2005. [13282/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 72, 106 and 117 together.

Agreement on a package of reforms to the Stability and Growth Pact, SGP, was finalised at the ECOFIN Council of 20 March 2005 and endorsed by the spring European Council of 22-23 March 2005. The new measures underline the continued European commitment to fiscal discipline while acknowledging the need for economic realism, for example, by allowing member states more time to correct excessive deficits in circumstances where economic growth is at a depressed level. The requirement to avoid deficits in excess of 3% of GDP is retained and member states have stepped up their commitment to reduce debt levels and to strengthen long-term budgetary sustainability.

Ireland was represented at the relevant ECOFIN meeting on 20 March by senior officials from my Department as I was absent on official business. The final decision on the reform of the pact rests, in fact, with the European Council, which I attended in person on 22 and 23 March 2005.

One of the key objectives of the discussions from Ireland's point of view was the need to recognise the important role played by public investment to support economic development. The Council report indicates that the medium-term objective of budgetary policy should reflect economic circumstances, so that countries with low debt and high potential growth — such as Ireland — can have more budgetary flexibility, in particular, taking into account the needs for public investment. This means that Ireland will be facilitated in sustaining public investment across the economic cycle, in particular, in the event of any future economic downturns. In the current climate of strong domestic growth, the SGP agreement does not entail any particular changes to the Government's policy of sound budgetary management, with continued sustainable improvements in public services.

As regards the capital spending programme, I indicated in my budget for 2005 that I was agreeable in principle to the introduction of a ten year capital envelope for public transport investment. As is normal in such cases, discussions are currently in train with the Minister for Transport on this issue.

Tax Collection.

73. **Mr. O'Shea** asked the Minister for Finance the number of breaches detected of the Waiver of Certain Tax, Interest and Penalties Act 1993 in respect of each year since 1994; the number of prosecutions initiated and convictions secured arising from such detections; if he has satisfied himself that the law is being applied in the manner intended; if his attention has been drawn to comments made by the chairman of the Revenue

Commissioners at the meeting of the Committee of Public Accounts on 2 December 2004 in which he referred to the difficulties faced in initiating prosecution for breaches of the Act; and if he will make a statement on the matter. [13353/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that there are two ways in which a taxpayer may have been in breach of the amnesty: first, in making a false declaration or, second, in not making a declaration. I am informed that the Revenue Commissioners do not have figures for the number of detected breaches of the amnesty. Due to the confidentiality conditions built into the 1993 amnesty legislation, such breaches are difficult to identify and prove.

Individuals and companies have been successfully prosecuted in recent years as a result of Revenue Commissioners investigations and, although these investigations have in some instances involved consideration of possible amnesty breaches, it has not generally been possible to obtain the evidence necessary to meet the required standards of "beyond reasonable doubt" from an amnesty perspective. However, following a Revenue Commissioners investigation, one individual has been successfully prosecuted for failure to comply with the obligatory provisions of the Waiver of Certain Tax, Interest and Penalties Act 1993 and is currently awaiting sentence. There was also a conviction in the Circuit Criminal Court earlier this year for tax offences related to the amnesty and a six month jail sentence was handed down. This followed an investigation by the Criminal Assets Bureau.

The Revenue Commissioners' criminal investigation programmes have been refocused recently with the establishment of an investigations and prosecutions division, one of whose functions is to increase the number of prosecutions for serious tax evasion. Many of the cases currently under investigation relate to tax offences committed in recent years and do not, therefore, involve consideration of amnesty issues. However, a number of cases have been identified which could involve offences under the amnesty and they will be investigated with a view to taking a criminal prosecution.

I am aware of the comments made by the chairman of the Revenue Commissioners at the Committee of Public Accounts in December 2004, when he was responding to questions on the 2003 report of the Comptroller and Auditor General, on the issue of the tax amnesty. He referred to the serious difficulties the Revenue Commissioners had in obtaining admissible evidence, due to the confidentiality safeguards enshrined in the amnesty legislation. He went on to say that there were two cases coming before the courts in the near future and that much would depend on the outcome of these, as to whether the other cases being investigated would go for prosecution. I can confirm that one of these is the successful Rev-

enue Commissioners conviction mentioned earlier.

In view of this, I am satisfied that the Revenue Commissioners are making every effort to ensure the law is applied in the manner intended by the legislation as passed by the Houses of the Oireachtas.

Pension Provisions.

74. **Mr. McGinley** asked the Minister for Finance his estimate of the likely increase in the Exchequer's exposure with regard to public service pensions; and if he will make a statement on the matter. [13276/05]

Minister for Finance (Mr. Cowen): Expenditure on occupational public service pensions relates to the payment of pensions, lump sums and spouses pension to members of the various occupational public service pension schemes. In 2004, the total cost of occupational pensions in the public service was €1.7 billion or 1.4% of GNP. The level of expenditure in future years will depend on a variety of variable factors, including the future patterns of age and service at retirement, future life expectancy of pensioners and the level of pay increases. Assuming a continuation of current trends in improved life expectancy, the most up to date projections show that the level of expenditure is projected, in constant 2004 pay terms, to increase to around €2.5 billion in 2014 and to continue to rise thereafter to around €4 billion in 2044.

While, as noted, it is difficult to estimate with precise accuracy the increase in the Exchequer's pension exposure it is nonetheless clear that the cost of pensions will continue to rise into the future. In this regard, the Government has taken significant steps to ensure that everything possible is done now to reduce this burden to a significantly lower level than it would otherwise be.

The national pensions reserve fund was established in 2001 to ease, over the long term, the Exchequer burden arising from future pension commitments. In addition, following consideration of the report of the Commission on Public Service Pensions, the Government put in place immediate measures to secure the proper evolution of spending on public service pensions over the longer term. A major public service pension reform package was announced in budget 2004. This included raising the minimum pension age and abolishing mandatory age based retirement for new recruits to the public service. These changes were given effect in the Public Service Superannuation (Miscellaneous Provisions) Act 2004 in March 2004.

These and other related measures form part of the ongoing initiative by this Government to put in place timely and appropriate reforms in the pensions area which will help ensure budgetary stability in the decades to come.

Tax Code.

75. **Mr. Ferris** asked the Minister for Finance if his attention has been drawn to the problems faced by communities in rural parts of the State, particularly in the vicinity of seaside resorts, where the purchasing of holiday homes is driving up the cost of housing for local people; if the implementation of the recommendation contained in the NESC report on housing to introduce a separate tax on second homes would help address this growing problem; and if he will make a statement on the matter. [11118/05]

Minister for Finance (Mr. Cowen): I have no plans to introduce a tax on second homes. If any such proposal were made it would be necessary to consider the possible impact not only on the demand for such houses but also on the supply of new residences and on employment and output in the construction sector generally. The history of taxation intervention in the residential property market over the past ten years has shown that it is much easier to get the balance wrong than it is to get the balance right in terms of output, prices and employment.

Decentralisation Programme.

76. **Mr. Stanton** asked the Minister for Finance the progress that has been made in the decentralisation of State agencies to Youghal; the number of posts to be decentralised to this location; the number of personnel identified and willing to move to Youghal; if he has secured suitable accommodation in this location for decentralisation; and if he will make a statement on the matter. [13423/05]

Minister for Finance (Mr. Cowen): As part of the overall decentralisation programme it is intended that 100 staff of the Valuation Office and 100 staff of the Public Appointments Service will be decentralised to Youghal, County Cork. Planning for the move is ongoing in both offices and in the Office of Public Works, which is dealing with accommodation procurement issues. Both organisations have published outline implementation plans in accordance with the recommendations of the decentralisation implementation group, DIG.

The data from the central applications facility, CAF, published in September showed that a total of 28 persons have applied for decentralisation with the Valuation Office. A total of 88 persons have applied for decentralisation with the Public Appointments Service. The majority of these applicants are from staff not currently employed by these offices.

Senior management from both offices have visited Youghal to inspect a number of potential sites for a new building. These sites are currently being evaluated for suitability and negotiations will open shortly with the vendors. No further information is available at this time on the procurement details because of their commercially sensitive nature.

[Mr. Cowen.]

In November, the DIG published its list of “early movers” and this list, which was accepted by Government, does not include either the Valuation Office or the Public Appointments Service. It is expected that a further report will issue from the DIG dealing with all remaining locations, including Youghal.

Tax Code.

77. **Mr. Ring** asked the Minister for Finance if he has satisfied himself that the price of homes bought by first time buyers in Dublin will benefit from the recent stamp duty concession; and if he will make a statement on the matter. [13304/05]

Minister for Finance (Mr. Cowen): I am satisfied that this important measure will assist with affordability for first time buyers and will help some first time buyers to afford a starter home who might not otherwise be able to do so. It will also help to open the second-hand market more

Public Service	Corrected Baseline	Target end 2004	Serving end December 2004	Difference Serving / Target 2004
Civil Service [Non Industrials]	36,874	36,269	35,050	-1,219
Civil Service [Industrials]	2,186	2,163	1,817	-346
Health Sector	96,000	96,950	98,723	1,773
Education Sector	78,350	78,000	79,708	1,708
Defence	11,800	11,580	11,517	-63
Garda	12,200	12,200	12,209	9
Local Authorities	34,300	33,633	33,469	-164
Non-Commercial Semi-States	9,541	9,376	9,088	-288
Total	281,251	280,171	281,581	1,410

All numbers refer to whole-time equivalents, WTEs.

I am satisfied that the Civil Service, defence, local authority and non-commercial semi-State sectors are adhering to the numbers reduction policy. Numbers have risen in both the education and health sectors, in part reflecting policy decisions. I am in consultations with the responsible Ministers regarding their proposals for addressing the issues involved with a view to controlling numbers in the sectors concerned in line with Government policy.

International Bodies.

79. **Mr. Boyle** asked the Minister for Finance the details of representations made by the Government regarding the appointment of a person (details supplied) as the head of the World Bank; and if he will make a statement on the matter. [13370/05]

Minister for Finance (Mr. Cowen): The executive directors of the World Bank board are charged under the bank’s articles of agreement with the selection of the bank’s president. On 31 March last, the board met to unanimously endorse the sole nominee in the presidential selection process, Mr. Paul Wolfowitz, who was

to first time buyers who may have been deterred by the impact of stamp duty. The reductions in stamp duty for second-hand houses should remove distortion between the new and second-hand markets for first time buyers by reducing the degree of concentration of first time buyer demand on the new house market.

Public Sector Employment.

78. **Mr. Crawford** asked the Minister for Finance his policy on public service employment. [13268/05]

Minister for Finance (Mr. Cowen): In December 2002, to control public service numbers, the Government decided to cap numbers at the existing authorised level and to reduce numbers by 5,000 across all sectors by the end of 2005. In July 2003, the Government decided on the timing and location of 4,300 of these posts. The position at end December 2004 is as shown in the table.

proposed on behalf of the United States of America. The decision was formalised via a short resolution and there was no vote. By convention, the US has always provided the president of the bank. During the meeting of the board which endorsed the nomination, the representative of the constituency comprising Ireland, Canada and the Caribbean emphasised the primary role of the World Bank as a development institution with the objective of poverty reduction.

Prior to his appointment, Mr. Wolfowitz met representatives of European governments in Brussels to discuss the bank’s development mission. These discussions were described as “constructive” by the Luxembourg Prime Minister, the current President of the EU Council of Ministers. I look forward to working with Mr. Wolfowitz on the prime objectives of the bank, including progressing development policy issues and poverty reduction.

National Development Plan.

80. **Ms O. Mitchell** asked the Minister for Finance his views on whether a review of the performance of the NDP would now be timely. [13316/05]

Minister for Finance (Mr. Cowen): The national development plan, NDP, was subjected to a wide ranging, in-depth and independent mid-term evaluation by the ESRI in 2003. The evaluation found that the NDP has made significant progress towards its objectives of promoting continuing sustainable national economic and employment growth and of consolidating and improving Ireland's economic competitiveness.

It stated that the NDP "will have a sustainable positive effect on competitiveness and the productive capacity of the economy in the long term". In terms of national prosperity, the ESRI has estimated that NDP expenditure over the period under review raised the level of GNP by over 7% above what it would have been had the NDP not been undertaken and, in the long run, the level of GNP will be around 3% higher. The ESRI estimated that this represents a real rate of return on NDP investment of around 14% and this must be seen as an exceptional economic performance by any standards. More generally, the mid-term evaluation endorsed the strategy underpinning the NDP and its continuing relevance.

The performance of the NDP is also subject to ongoing monitoring through the individual operational programme monitoring committees and the overarching NDP/CSF monitoring committee chaired by my Department. There is also a programme of ongoing reviews of different aspects of the NDP which are conducted or commissioned by the NDP/CSF evaluation unit. The mid-term evaluation of the EU co-funded elements of the NDP is being updated as a requirement of the Structural Funds regulations. In the circumstances I do not, therefore, consider it necessary to conduct a further review of the NDP at this juncture.

Tax Code.

81. **Mr. Costello** asked the Minister for Finance if his Department has now concluded its consideration of the letter from the Commission directorate general for agriculture and rural development advising that it had come to a preliminary opinion that the stallion tax exemption scheme would seem to constitute an aid that was not compatible with the common market; if a reply has been submitted; if an extension of the one month deadline for reply has been agreed by the Commission; the amount he has submitted to the Commission of the estimate for 2003 of the stallion income exempted by the scheme; and if he will make a statement on the matter. [13342/05]

Minister for Finance (Mr. Cowen): I will outline shortly to the European Commission the Government's position on the matter and a reply was sent to it on 14 April 2005 to that effect. As explained on previous occasions, there is no official estimate of the tax cost of the exemption until those availing of it make the returns required of them from next October.

Decentralisation Programme.

82. **Mr. Allen** asked the Minister for Finance if he has satisfied himself with the numbers of persons from within the State agencies who have indicated a willingness to decentralise with their agencies; and his views on the assessments from some of the agencies of the risk of damage to delivery of services. [13314/05]

Minister for Finance (Mr. Cowen): I accept that the number of applications to the central applications facility, CAF, from the Civil Service is much better than those from the State agencies. Unlike the State agencies, the Civil Service has considerable previous experience of decentralisation and has a long tradition of inter-departmental transfers.

The decentralisation implementation group, DIG, asked that all organisations participating in the programme should prepare detailed implementation plans, including risk mitigation plans. These plans were prepared and submitted to the group. Most included risk mitigation strategies. In its July report, the DIG has recommended, in paragraph 9.3, that in preparing the next version of its implementation plan each organisation should ensure that a risk mitigation strategy is included. I am satisfied that this approach represents a realistic approach to risk identification and mitigation.

Special Savings Incentive Scheme.

83. **Mr. Noonan** asked the Minister for Finance if he plans to undertake a study of the impact of the maturity of SSIA's on the economy; and if he will make a statement on the matter. [13306/05]

Minister for Finance (Mr. Cowen): The matter is subject to ongoing consideration within my Department. The impact of maturing SSIA funds on consumer demand in 2006 and 2007 is difficult to estimate and will depend on how the accumulated savings are spent or saved, how that portion of an individual's income that was previously saved in SSIA's is used and the extent to which savings are rolled over into other investment products. The economic effect will also depend on the state of the economy in 2007, when the bulk of SSIA funds, approximately 55%, mature.

To date a number of reports have been prepared regarding the impact of the SSIA's by, amongst others, Goodbody stockbrokers, Lansdowne Market Research, the Irish Mortgage Corporation and the Bank of Ireland. However, there is no consensus in these reports as to how these funds may be used. It is inevitable that there will be much uncertainty about the likely outcomes. As a scheme such as the SSIA has not existed previously, it is not possible to draw on experience as a basis for anticipating the impact the maturing accounts will have on the economy.

Budgetary Procedures.

84. **Mr. Hayes** asked the Minister for Finance

[Mr. Hayes.]
his thinking on the possibilities for better budgetary procedures. [13290/05]

Minister for Finance (Mr. Cowen): I am currently examining proposals for change which could be implemented in the short and medium term. Any changes to current practices would need to meet best practice, improve both the quality of debate and the data available to the House on the budget, meet our obligations to the EU and be capable of being delivered within the existing budget timetable. I will discuss the possibilities for change with my colleagues in Government shortly and, subsequent to that, I will bring forward proposals which the House will have an opportunity to discuss.

Decentralisation Programme.

85. **Mr. G. Murphy** asked the Minister for Finance if his Department has sought to introduce a policy that only civil servants prepared to decentralise may avail of promotion opportunities; the implications of this policy for the career path of civil servants who wish to remain in Dublin; and if he will make a statement on the matter. [13310/05]

92. **Dr. Twomey** asked the Minister for Finance if he envisages making any special provision for promotion and for new recruitment in the context of the decentralisation programme; and if he will make a statement on the matter. [13308/05]

98. **Mr. P. McGrath** asked the Minister for Finance if he plans to provide that a condition for promotion be acceptance of placement outside Dublin. [13435/05]

116. **Mr. Rabbitte** asked the Minister for Finance the position in regard to negotiations with the public service unions regarding his proposals to restrict promotional opportunities to staff willing to move to decentralised locations; if his attention has been drawn to the recent warning from the CPSU that its co-operation with decentralisation was conditional on the resolution of this issue; and if he will make a statement on the matter. [13361/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 85, 92, 98 and 116 together.

As I outlined to the House in my replies to similar questions on 3 March 2005, promotion and recruitment are key elements of the Government's decentralisation programme and I refer the Deputies to my earlier reply which set out the general position on this matter.

In accordance with the recommendations of the decentralisation implementation group, recruitment and promotion practices and procedures must be revised to allow Departments and offices to secure sufficient staff to allow them discharge their functions in their new locations. Clearly, where a promotion vacancy arises for a post which is being decentralised as part of the Government's programme, it is entirely reason-

able for the employing Department to ask staff accepting that promotion to agree to move with that post. This in no way interferes with the voluntary nature of the programme. As I said last month, discussions are continuing between the management and the Civil Service unions with a view to agreeing new promotion and recruitment mechanisms to support implementation of the programme. It would not be appropriate for me to comment in detail on these discussions.

However, the Government wants to reach a reasonable agreement on these issues with the staff unions, that is, an agreement which supports the early and efficient implementation of the programme and, at the same time, takes account of the legitimate desire of staff remaining in Dublin to maintain opportunities for promotion.

International Bodies.

86. **Mr. Gormley** asked the Minister for Finance his views on the assessment of a person (details supplied); and if he will make a statement on the matter. [13376/05]

Minister for Finance (Mr. Cowen): The outgoing president of the World Bank, James D. Wolfensohn, has played a significant role in raising the external profile of the bank and has been an excellent advocate for the entire development agenda. The issue of debt relief has been high on that agenda, particularly in recent years. No doubt, he would like to see a continued focus on debt relief and a conclusion brought to initiatives nurtured under his Presidency.

Growth and Stability Pact.

87. **Mr. Boyle** asked the Minister for Finance the extent to which the repayment of illegally taken pensions for care, and the cost of paying for court actions taken on foot of the pensions for care scandal, will bring Ireland to breaching the parameters of the Growth and Stability Pact in 2005, 2006 and 2007. [13371/05]

Minister for Finance (Mr. Cowen): The extent to which the repayment may disimprove Ireland's general government deficit is not possible to say at this stage. It depends on many factors, including the out-turn for tax receipts and other spending during the years in question.

Pension Provisions.

88. **Mr. McEntee** asked the Minister for Finance if he has received any representations regarding the pension deficits in the pension fund of many State companies which operate defined benefit schemes; his estimate of the scale of these deficits; if his approval has been sought for Exchequer contributions to these schemes or to put these schemes under the management of the national pension reserve fund; and if he will make a statement on the matter. [13296/05]

Minister for Finance (Mr. Cowen): The question of the funding situation in pension schemes

in the commercial State sector is primarily a matter for the board of each organisation directly concerned and I would expect that any relevant issues will be brought to the attention of the Ministers directly concerned as and when appropriate.

The question of the funding situation in pension schemes in the non-commercial State sector should be raised directly by the Deputy with the relevant Government Ministers who are responsible in the first instance for the supervision of the organisations concerned. There is a wide variety of such schemes, for example, some funded on a pay as one goes basis and some funded on a partly funded basis using resources provided through the relevant grants with pension outlays partly resourced from the funds concerned and from ongoing grants. It is a matter for the relevant board in charge of such organisations to ensure that funds it supervises operate in accordance with the approved arrangements.

From a general policy point of view, my Department has received some contacts. The general position is that the relevant board in charge of such organisations, in conjunction with their appropriate sponsoring Department, will ensure that the funds concerned are in a position to discharge their obligations. As regards the national pensions reserve fund, the relevant statutory provisions governing this fund provide that the purpose of this fund is to ensure that resources are available for the longer term pension needs. The question of any short-term needs in particular pension funds is a separate matter for the organisation and the Minister concerned.

Economic Competitiveness.

89. **Mr. Kenny** asked the Minister for Finance if he plans to play a leadership role in addressing the emerging problems of competitiveness of Ireland's exporting sectors. [13266/05]

Minister for Finance (Mr. Cowen): Restoring and enhancing national competitiveness is a key priority for this Government. The Government is keenly aware of the importance of Ireland's exporting sectors to investment and jobs and, in turn, of the importance of competitiveness for these sectors. It must be remembered that we cannot control our exchange rate. In this context, we must seek to control those key determinants of our competitiveness which we can.

The maintenance of competitiveness requires that wage increases remain in line with that justified by productivity. Sensible income policies and a greater role for competition in the economy are vital to delivering this. Wage increases must be limited to those negotiated under Sustaining Progress. The downward trend in the rate of CPI inflation last year, to the lowest rate since 1999, is a welcome development and one which is supportive of the maintenance of competitiveness. We cannot control the rate of inflation; external factors have much to do with that outcome. We can, however, seek to ensure that our domestic

cost base does not add to it. My decision not to increase excise rates in the budget will help inflation in 2005.

It is also important to maintain public spending growth at levels that are sustainable in the medium term, thus keeping the burden of taxation low to protect competitiveness and maximise our economic potential. We are maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit. This will support future competitiveness and ensure that Ireland creates the right environment for foreign investment and continued export growth.

Tax Code.

90. **Mr. Hogan** asked the Minister for Finance his action in response to the EU challenge to the tax relief of stud fees; and if he will make a statement on the matter. [13272/05]

Minister for Finance (Mr. Cowen): The stallion stud fee exemption was introduced in Finance Act 1969 and applied to nominations on all stallions whether standing at stud in Ireland or abroad. The relief was amended in Finance Act 1985 so as to confine the tax exemption on stallion fees to income earned from stallions at stud in the State. Income arising to a part owner of a foreign based stallion continued to be exempted where the share has been acquired by a breeder for the purpose of acquiring new breeding lines for a bloodstock enterprise carried on in State.

The stallion relief was included as part of annual reports on aid granted in Ireland to the agriculture sector sent by the Department of Agriculture to the Commission in 1982 and on a number of subsequent occasions. The Commission wrote on 24 June 2003 stating that a complaint had been received about the relief and asked that full details on the exemption be sent to the Commission for it to be assessed as a potential state aid.

My Department responded to the Commission on 17 July 2003 and a meeting between the officials of the Department and the Commission took place on 23 July 2003. The Department sent further details to the Commission by letter on 30 December 2003. The Commission wrote on 21 April 2004 seeking additional information to complete the assessment of the relief as a potential state aid. This information was supplied by the Department later in the year.

In the most recent letter from the Commission dated 6 January 2005, it was indicated that it had come to a preliminary conclusion that the stallion tax exemption would seem to constitute an aid scheme that is not compatible with the common market. The letter sets out the Commission's reasoning and, against this background, invited Ireland to submit comments within one month, together with any concrete proposals regarding how the scheme in question EC could be brought in line with Article 87 of the EC Treaty.

[Mr. Cowen.]

Officials from my Department and the Department of Agriculture and Food met with officials from the Commission directorate general for agriculture and rural development on 23 February 2005. At this meeting, the Commission agreed to extend the deadline to respond to the end of March and agreed subsequently to a further extension in time to 15 April 2005. A reply issued to the Commission from the Irish authorities on 14 April 2005 and I will outline the Government's position on the matter shortly to the European Commission.

Tax Collection.

91. **Mr. Coveney** asked the Minister for Finance if he has received a report from the Revenue Commissioners about the delays in tax offices; and if he will make a statement on the matter. [13274/05]

97. **Mr. J. O'Keefe** asked the Minister for Finance if the Revenue Commissioners will have in place a system whereby taxpayers' queries can be dealt with promptly and efficiently. [13193/05]

129. **Mr. J. O'Keefe** asked the Minister for Finance if his attention has been drawn to the concerns being expressed by PAYE and other taxpayers regarding the long delays involved in having queries on tax dealt with; if he will report on the present arrangements; and his proposals in this regard. [13194/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 91, 97 and 129 together.

I am informed by the Revenue Commissioners that while PAYE taxpayers are experiencing some delays during the current peak period, the backlog in this area should be substantially reduced within the next few weeks. I am also informed that there are no significant delays at present in areas other than PAYE and that queries and correspondence in these other areas are generally being dealt with promptly.

The period from January to April is by far the busiest for Revenue Commissioners staff dealing with PAYE. During January and February, over 2 million tax credit certificates issued to PAYE taxpayers, which inevitably generated large volumes of correspondence and telephone queries. Requests for balancing statements for the previous year, including end-of-year claims for items such as medical expenses relief, also tend to be concentrated in the first quarter and this year the volume of such requests and claims increased significantly compared with previous years.

Another factor contributing to the current PAYE backlog was the number of multi-year review claims received in response to the Revenue Commissioners' advertising campaign alerting people to the reduction, with effect from 1 January 2005, from ten to four years in the time limit for claiming refunds. Such multi-year claims, of their nature, take longer to process.

The Revenue Commissioners are, later this year, introducing a number of major initiatives designed to modernise and streamline the way PAYE customer contacts are managed during the annual peak periods. These include: a facility to amend tax credits and allowances, to file a return and to request an on-line balancing statement simply and securely over the Internet; a scanning or imaging system, which will reduce the turn-around time for dealing with paper correspondence and forms; the installation of the latest VOIP telephone technology, which will allow for much more efficient telephone call handling and call management.

Question No. 92 answered with Question No. 85.

Decentralisation Programme.

93. **Mr. Perry** asked the Minister for Finance if work is proceeding on the proposals relating to the decentralisation of State agencies; and if further assessments have indicated that some of these proposals would be inappropriate. [13288/05]

Minister for Finance (Mr. Cowen): There are particular issues that arise in dealing with the State agencies. The correct approach is to tease out the issues and develop good long-term solutions in consultation with all of the parties involved. This is the approach being adopted by the decentralisation implementation group. In its November 2004 report, the decentralisation implementation group listed a total of seven State Agencies which, in the group's view, should receive priority attention in terms of implementing the programme, while still ensuring progress for the remaining organisations. I understand that the group's next report will deal with the locations and organisations not covered in the November 2004 report.

Job Losses.

94. **Mr. Cuffe** asked the Minister for Finance if he has made representations to Bank of Ireland regarding its decision to make 2,100 workers redundant; and if he will make a statement on the matter. [13372/05]

Minister for Finance (Mr. Cowen): I appreciate the serious concerns of Bank of Ireland staff regarding the implications of the restructuring programme. It is important to recognise, however, that the decision to introduce this plan was made by the management of the Bank of Ireland, in what it judged to be the long-term interests of the organisation. It would not be appropriate for me, in my role as Minister for Finance, to endeavour to make any assessment of the commercial decisions of the Bank of Ireland.

The chief executive of the Labour Relations Commission, Mr. Kieran Mulvey, has been asked to act as an independent chair of the process being undertaken by the Bank of Ireland with the

Irish Bank Officials Association to progress discussions on the implementation of the change programme. This process clearly provides the opportunity for management and staff representatives to resolve outstanding issues on a partnership basis.

On a more general level, the development is taking place in the wider context of the positive environment for employment currently prevailing in the Irish economy

Financial Services.

95. **Mr. Cuffe** asked the Minister for Finance his views on the effect of imminent changes in rules governing cross-border banking; if his Department has assessed the potential impact of these changes on the financial services sector and on the economy more generally; and if he will make a statement on the matter. [13373/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the draft capital requirements directive which is currently being considered by the European Parliament and is planned to be adopted by Council and Parliament before the end of this year. As far as the assessment of the potential impact of this directive is concerned, in response to a request from the European Council, the European Commission commissioned PriceWaterhouse Coopers to carry

out a study on the consequences of the intended new capital requirements framework for all sectors of the European economy with particular attention to small and medium sized enterprises, SMEs. This report is published on the Commission's website at: <http://europa.eu.int/comm/internal—market/regcapital/index—en.htm#impact>.

The study concluded that these changes should lead to a modest reduction in the capital requirements of EU banks. It may also potentially cause a modest increase in GDP in the long term. The study also found that the changes would bring no systematic disadvantage for smaller firms seeking credit and should actually be beneficial for the vast majority of SMEs.

Tax Code.

96. **Mr. Eamon Ryan** asked the Minister for Finance if his Department will consider extending exemptions on VRT to vehicles used in van pooling systems which allow for several workers to share the one vehicle in commuting to and from work and which are restricted from other uses by regulation of the insurance conditions. [9743/05]

Minister for Finance (Mr. Cowen): The vehicle registration tax, VRT, rates for the different categories of vehicles, excluding motorcycles, are as set out in the table.

Classification	Rate
Private Cars (Category A)	
Cars up to 1,400 ccs	22.5% of Open Market Selling Price, OMSP
Cars 1,401 to 1,900 ccs	25% of OMSP
Cars 1,901 and over	30% of OMSP
Small Vans, Small Crew Cabs and some Jeeps (Category B)	13.3% of OMSP
Other Vehicles (Category C)	€50

Category B vehicles include crew cabs. These are vehicles which provide for seating in a cab for a driver and a minimum of three and a maximum of six other persons, with a separate area to the rear for the carriage of goods. Category C vehicles include larger crew cabs and buses which provide seating for a driver and 11 passengers. As indicated in the table, categories B and C benefit from lower rates of VRT than private vehicles, category A, and vehicles in these categories may be used for the purposes referred to in the question.

Extending the lower rates of VRT or exempting from VRT private vehicles used for van pooling would be difficult to administer and control and would be likely to lead to a significant loss of revenue to the Exchequer. Therefore, I have no plans to introduce such a measure.

Question No. 97 answered with Question No. 91.

Question No. 98 answered with Question No. 85.

Benchmarking Awards.

99. **Mr. M. Higgins** asked the Minister for Finance the terms of reference for the next round of work to be undertaken by the benchmarking body; when the process is likely to begin; when it is likely to be completed; if the members of the body have now been appointed; and if he will make a statement on the matter. [13344/05]

Minister for Finance (Mr. Cowen): In the first public service pay agreement under Sustaining Progress, the parties agreed that the benchmarking process was the appropriate way to determine public service pay rates. They committed themselves to engage in consultation about the terms of reference, *modus operandi*, establishment and timescale of a further benchmarking exercise. In the pay agreement reached in June 2004 under the mid-term review of Sustaining Progress the parties agreed that the benchmarking body will commence the next benchmarking review in the second half of 2005 to report in the second half of 2007.

[Mr. Cowen.]

Under the agreement the parties agreed to review the operation of the first benchmarking exercise and consider ways in which, based on experience gained in the last exercise, the process can be improved and streamlined. It was also agreed that the membership of the benchmarking body and its terms of reference will be agreed between the two parties not later than July 2005. Discussions between the public service employers and unions on the terms of reference are continuing. Membership of the benchmarking body has not yet been decided but consideration and consultation by the parties is taking place.

Question No. 100 withdrawn.

Tax Code.

101. **Ms McManus** asked the Minister for Finance when the Government expects to honour the commitment given in An Agreed Programme for Government that 80% of all earners would pay tax only at the standard rate, especially in view of the fact that the proportion of taxpayers paying at the higher rate is expected to increase from 32.61% in 2004 to 33.17% in 2005; and if he will make a statement on the matter. [13349/05]

Minister for Finance (Mr. Cowen): The Government programme, An Agreed Programme for Government, states that “over the next five years our priorities . . . will be . . . to ensure that 80% of all earners pay tax only at the standard rate”. The five year period mentioned commenced three years ago when the Government was elected to office. However, the commitment is given in the context of a broader economic and budgetary strategy which provides, among other things, that the public finances will be kept in a healthy condition and that personal and business taxes will be kept down to strengthen and maintain the competitive position of the Irish economy.

The position is that had the standard rate bands not been widened to the extent that they were in budget 2005, 35.9% of income earners would have been paying tax at the higher rate in 2005. The effect of the budget was to reduce the proportion to 33.2%. Further progress in this area will be a matter for consideration in the context of the annual budgets over the next number of years consistent with the Government’s overall economic and budgetary strategy.

Since 1997, average tax rates have fallen for all categories of taxpayer, for example, the average tax rate, that is, income tax, PRSI and health levy combined, for the person on the average industrial wage has reduced by over ten percentage points from over 27.6% in 1997 to less than 17% in 2005. Also, it is estimated that in 2005 the proportion of the income tax yield coming from those earning at or under the average industrial wage is projected to be about 5.9%. The equivalent figure in 1997 was over 14%.

In an international context, the most recent data from OECD relating to the year 2004 indicate that, once again, Ireland has the lowest tax wedge, that is, income tax plus employee and employer PRSI as a proportion of gross wages plus employer’s PRSI, in the EU and one of the lowest in the entire OECD. Furthermore, the personal average tax rate of the average production worker dropped in Ireland between 2003 and 2004, despite an increase in wages. Meanwhile, the average tax rate rose or remained the same in about 20 of the other 29 countries surveyed.

For the single worker on the average production wage in Ireland, the average tax rate is the third lowest after Korea and Mexico of the 30 countries studied. It is the lowest of the 19 EU member states surveyed. A married one earner couple with two children on the average production wage in Ireland in 2004 in fact receives more money in cash transfers from the State than they pay out in income tax and social security contributions. Only Luxembourg is in the same league as Ireland in this respect and the OECD figures do not take account of the further improvements made in budget 2005.

Special Savings Incentive Scheme.

102. **Mr. Stanton** asked the Minister for Finance if there has been an increase in the rate of payment into SSIA’s such as to cause him to revise his estimate of the cumulative cost to the Exchequer of the concession; the extent of the increase; and his latest estimate of the cumulative cost and cumulative pay out at maturity. [13298/05]

Minister for Finance (Mr. Cowen): The budget estimate of the cost of the SSIA scheme to the Exchequer in 2005 was €560 million. Any increase in payments into SSIA’s has been small and there is no reason at present to expect a substantially higher outturn. Our latest estimate, based on the average tax credit payout in the first three months of 2005, is €572 million.

As indicated in replies to previous questions, it is not possible to give a definitive answer as to the eventual overall cost of the scheme as it is subject to a number of variables, such as participants dying, withdrawing from the scheme or varying their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

Question No. 103 answered with Question No. 67.

Garda Stations.

104. **Mr. Deenihan** asked the Minister for Finance the position regarding the provision of a new Garda station at Castleisland, County Kerry; and if he will make a statement on the matter. [13191/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works recently identified a suitable site for a Garda station in Castleisland. A firm offer has been made to the vendor to purchase the site and a response is awaited.

Consultancy Contracts.

105. **Mr. Bruton** asked the Minister for Finance if he will ensure that the consultancy studies relating to the tax review will be published ahead of budget 2006 in order that there can be an opportunity to consider their implications for tax policy before Dáil Éireann must make decisions. [13264/05]

Minister for Finance (Mr. Cowen): In my 2005 Budget Statement, I announced that my Department and the Office of the Revenue Commissioners are to undertake a detailed review of certain tax incentive schemes and tax exemptions in 2005. This review will evaluate their impact and operation, including their economic and social benefits for the different locations and sectors involved and to the wider community. In addition, the review will examine the degree to which these schemes allow high income individuals to reduce their tax liabilities.

I subsequently announced in a press release on 6 January 2005 that my Department had advertised for external consultants to review certain tax incentive schemes. On 9 April 2005, I announced the award of two external consultancy contracts for the reviews. Following a detailed examination of the qualifying tenders by a special inter-departmental group, the successful candidates were Goodbody Economic Consultants in respect of the area based urban renewal, town renewal, rural renewal and the living-over-the-shop schemes and Indecon Economic Consultants for the sectoral property tax incentive schemes, namely multi-storey carparks, park and ride facilities, student accommodation, third level buildings, hotels, holiday cottages, nursing homes, private hospitals, sports injuries clinics, child care facilities and refurbishment of rented residential accommodation.

These reviews will be completed before September next. This will allow the findings and conclusions to be considered in detail in the context of the 2006 budget in December. The Deputy will appreciate that as these reviews have only just recently commenced, I am not yet in a position to indicate any likely publication date for these studies.

Question No. 106 answered with Question No. 72.

National Development Plan.

107. **Ms Enright** asked the Minister for Finance if he has plans to introduce a new development plan to succeed the NDP; and if he has instituted

a system for prioritisation of projects for inclusion. [13280/05]

Minister for Finance (Mr. Cowen): The Government has taken no decision as yet as to whether there will be a successor to the current seven year national development plan which will run until the end of 2006. Unlike previous occasions there is no requirement under the 2007-13 draft EU Structural Funds regulations to prepare a national development plan.

The introduction of the rolling multi-annual capital envelopes in budget 2004 provides a medium term financial framework for public capital investment. The 2005-09 envelope which I announced on budget day sets out the Government's priorities for public capital investment over that period. More generally the envelopes provide Departments and implementing agencies with relative financial certainty in planning capital programmes and projects over the medium term. I will examine whether the capital envelopes need to be augmented through a post-2006 national development plan and will make my recommendations to Government in this regard in due course.

Decentralisation Programme.

108. **Caoimhghín Ó Caoláin** asked the Minister for Finance if any Government Departments, or parts thereof, or any State agencies, will be relocated to the towns of Carrickmacross, Cavan and Monaghan under the decentralisation programme, following the omission of these towns from the list of towns receiving relocated offices up to 2008; and if he will make a statement on the matter. [13436/05]

Minister for Finance (Mr. Cowen): The headquarters of the Department of Communications, Marine and Natural Resources will relocate to Cavan with 384 posts. Part of the Department of Social and Family Affairs will relocate to Carrickmacross with 85 posts and the Combat Poverty Agency will relocate to Monaghan with 26 posts.

The decentralisation implementation group reported last November on the organisations which it had selected for inclusion in the first phase of transfers and stated in its report that locations and organisations not included in that report would be dealt with in its next report.

109. **Mr. Penrose** asked the Minister for Finance the latest information available from the central applications facility in respect of applications from civil servants and other public servants located in Dublin who wish to transfer to new locations outside of Dublin under the Government's decentralisation programme; the way in which this compares with the Government target of 10,300; his views on the potential loss of skills and expertise for specialist State agencies should they be decentralised with so few people willing to transfer; and if he will make a statement on the matter. [13358/05]

Minister for Finance (Mr. Cowen): The latest figures from the central applications facility show there is very substantial interest in the programme. During the period for priority applications, up to 7 September 2004, 8,958 applications made up of 8,152 civil servants and 806 public servants were received by the Public Appointments Service. Of these, 4,813 were from people — 4,236 civil servants and 577 public servants — located in Dublin. New applications for decentralisation continue to be received. Since the period for priority applications finished in September 2004, over 650 new applications have been received.

There are particular issues that arise in dealing with the State agencies. The correct approach is to tease out the issues and develop good long-term solutions in consultation with all of the parties involved. This is the approach being adopted by the decentralisation implementation group. I am confident that the programme will proceed and will be successfully completed in due course.

The results are encouraging and provide a very good base from which to move forward.

Tax Collection.

110. **Mr. O'Shea** asked the Minister for Finance the response received to date by the Revenue Commissioners to the letters sent by ten top banks to approximately 120,000 customers warning them to regularise their tax affairs by the end of March 2005; the number of responses received; the amount collected to date; the number of such cases that have been finalised; and if he will make a statement on the matter. [13354/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that precise figures are not available as to the number of letters which issued from the financial institutions. It is understood to be in excess of 100,000. It is not known how many accounts or individuals this represents because some individuals had accounts in different banks or in different branches of the same bank. In other instances there was more than one name on the account.

The Revenue Commissioners have advised that, following the issue of the letters by the financial institutions, written responses were received from approximately 25,000 persons. Of these, approximately 15,000 persons advised that a statement of disclosure would be made, and to date payment has been received from in excess of 11,500 cases. The difference is accounted for by duplicate notices received by the Revenue Commissioners at the time of the initial deadline of 29 March 2004, cases where the taxpayer subsequently indicated that no liability to tax arose, a small number of cases where assets are being disposed of to meet the liability owing or where there is an inability to pay and cases where no further communication has been received from the taxpayer. Where appropriate, inquiries are continuing in regard to such cases.

In regard to the balance of the 10,000 written submissions received, these individuals were notified that on the basis of the submission received, a statement of disclosure was not required. I am also advised that a further 5,000 persons, approximately, telephoned the Revenue Commissioners and, on the basis on the information provided, most were advised that a written response was not required.

To date the total amount collected by the Revenue Commissioners from their offshore investigation is in excess of €720 million. Details of amounts collected in respect of this, and other special investigations, are regularly updated on the Revenue Commissioners' website www.revenue.ie.

EU Budget.

111. **Mr. Gormley** asked the Minister for Finance if he supports the proposal of the six net contributors to the EU budget, Britain, France, Germany, Austria, the Netherlands and Sweden, calling for a spending cap of 1% of gross national income for the 2007-13 period; if he further supports the Commission's proposal that member states should contribute 1.14%; and if he will make a statement on the matter. [13377/05]

Minister for Finance (Mr. Cowen): From the start of these negotiations, Ireland has adopted the approach of examining each of the Commission's proposals on its merits, having regard to what is best for the European Union as a whole and for Ireland. Within this broad approach, we have looked at the Commission's proposals to see if they provide adequate resources for the implementation and development of Union policies and to assess whether they operate within the strictures of budgetary discipline that member states must respect in their own domestic finances. Due to the budgetary constraints within which all member states must operate and because Union expenditure is funded by Union taxpayers, Ireland considers that the criteria relating to budgetary discipline and value for money which characterise national budgets must apply also at Union level.

EU budgetary expenditure is running at 1% of the Union's gross national income. The 1% ceiling would therefore stabilise the present share of EU spending in the Union's GNI. On current economic forecasts, this implies an increase of around 2% per annum in budgetary spending over and above the rate of inflation.

Ireland has not aligned itself with the approach of those countries mentioned by the Deputy. This is because that approach would seem to us to imply a reduction in the provisions already agreed for the Common Agricultural Policy, Ireland's main priority, and-or a reduction in the Commission's proposals for expenditure in the less developed countries of the Union. Ireland strongly supports the Commission's proposals in that regard and would not like to see any reductions therein.

Ireland has not endorsed the specific expenditure levels proposed by the Commission, amounting to an annual average of 1.26% of EUGNI in commitments and 1.14% of EUGNI in payments. What we have done is fully support the Commission's proposals on the Common Agricultural Policy as they relate to direct payments and market supports. We will also look constructively at the Commission's proposals on rural development with a view to ensuring that the major achievements made by the Union in its rural development policy are consolidated and secured.

We have endorsed the objective of a meaningful cohesion policy for the less developed member states. For our own regions, we will seek an equitable deal within the parameters of regional policy as it applies in the more developed member states. We have also argued that the system of financing the Union's expenditure must be simple and transparent and closely related to member states' ability to pay as measured by their respective levels of gross national income.

Tax Code.

112. **Mr. English** asked the Minister for Finance if he has satisfied himself with the provisions for dealing with overpayment of taxation; and if he will make a statement on the matter. [13302/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that a wide range of initiatives has already been taken to inform PAYE taxpayers of their entitlements to tax credits-reliefs and so avoid overpayments of tax.

The Revenue Commissioners inform me that the vast majority of PAYE workers receive their full entitlements every year. At the beginning of each year a tax credit certificate is issued to every PAYE taxpayer and this reflects the most up-to-date information that Revenue has regarding an individual's entitlements. The Revenue Commissioner completed the issue of 2.24 million such certificates for 2005 in mid-February. Each certificate was accompanied by a simple but comprehensive leaflet giving full details of the credits-reliefs to which a taxpayer may be entitled including: main personal tax credits available for the year in question with comparative figures for the preceding year; tax rates and tax bands for the year in question; exemption limits for single, widowed and married persons; and how to claim an adjustment to the tax credit certificate.

The Revenue Commissioners use media advertising on a regular and systematic basis to acquaint taxpayers about their entitlements and to encourage them to claim these. In relation to the PAYE community in particular there is extensive advertising of the budget provisions each year including a Revenue Commissioners free-phone service which operates for two days immediately following the budget. When the tax credit certificates are being issued during January

and February each year a newspaper and radio campaign is run to alert people to this.

In February 2005, the Revenue Commissioners launched a new self service option for PAYE taxpayers. This service allows PAYE employees to claim, using the Internet, text messaging or the lo-call 1890 phone number, age credits for those over 65 years, service charges and trade union subscriptions. It also allows them to request a Form 12, return of income, MED 1, medical expenses claim, P50, unemployment claim, and Rent 1, rent relief. These facilities were widely advertised in the media and were included in the information leaflet issued with the tax credit certificates for 2005.

The Revenue Commissioners also published a wide range of claim forms, leaflets and guides on all PAYE credits and reliefs including: IT1 — tax credits, reliefs and rates for 2004 and 2005; IT2 — taxation of married persons; IT3 — what to do about tax when you separate; IT6 — health-medical expenses relief; MED 1 — health expenses claim form; IT8 — tax exemption and marginal relief; IT9 — one parent family tax credit; IT11 — employee's guide to PAYE; IT18 — incapacitated child allowance; IT27 — tax relief for service charges; IT31 — tax relief for tuition fees; IT35 — blind persons allowances and reliefs; IT45 — tax credits and reliefs for over 65s; IT46 — dependent relative tax credit; IT47 — employed person taking care of incapacitated individual.

All the above forms and information leaflets can be downloaded and printed from the Revenue Commissioners website or ordered on-line. There is also a 24 hour telephone number available, 1890 30 67 06, for requesting forms or leaflets.

The Revenue Commissioners are undertaking a very comprehensive review of the PAYE system and in the latter part of this year will begin the roll out of a redesigned system which will allow taxpayers to access their Revenue Commissioners records over the Internet to ascertain allowances-credits given and details of pay and tax; amend their tax credit details over the Internet, that is, claim an allowance-credit not on record or to change the amount involved for an existing relief, and request an on-line review of their liability or a balancing statement, based on the details available on the Revenue Commissioners record, including where amended in relation to entitlements.

This will give taxpayers a greater control over their tax affairs and let them check whether they have claimed their full entitlements. The Revenue Commissioners also engage from time to time in targeted media campaigns on particular issues. Two recent examples of such campaigns relate to the four year time limit for claiming repayments, which encouraged taxpayers to ensure they made claims within the required timeframe, and informing taxpayers about the

[Mr. Cowen.]
reliefs available to those supporting relatives in nursing homes.

The Revenue Commissioners already liaise with other State bodies and private institutions to facilitate the granting of credits/reliefs to PAYE taxpayers, for example, liaison in regard to: the tax relief at source, TRS, system which was introduced a number of years ago and which ensures that all those entitled to mortgage and medical insurance reliefs get these reliefs at source and do not have to make a claim to the Revenue Commissioners; service charges, where payment information is received from local authorities, which is used to give a credit to the individual PAYE taxpayer concerned.

In addition, there is an ongoing exchange of information between the Revenue Commissioners and the Department of Social and Family Affairs in regard to certain taxable payments made by that Department to PAYE employees. This interaction will be enhanced considerably through the more timely exchange of information when the redesigned PAYE system already referred to is rolled out in the latter part of this year.

I am, accordingly, satisfied that the Revenue Commissioners are already very proactive in the manner in which they ensure that PAYE taxpayers are made aware of their entitlements and facilitated in claiming these. The Revenue Commissioners will keep the issue under constant review and take whatever steps are necessary in regard to public information campaigns so as to continue to inform taxpayers of their entitlements and to simplify as far as possible the arrangements for making these claims. I emphasise, however, that the primary responsibility for ensuring that the Revenue Commissioners have the most up to date information on a taxpayer's affairs lies with the taxpayer.

Question No. 113 answered with Question No. 50.

Tax Collection.

114. **Mr. Penrose** asked the Minister for Finance the number of individuals, companies and trusts being investigated by the Revenue Commissioners arising from the Ansbacher accounts at the latest date; the number of cases where settlements have been agreed and the total

Cases involving Ansbacher or Ansbacher type arrangements	77 Cases	€38.47 million
Other cases involving offshore funds or deposits	18 Cases	€9.31 million
Total	95 Cases	€47.78 million

The 115 cases which have been finalised consist of 67 cases which were settled on payments of €38.79 million, included in the amount above, 29 non-resident cases which are covered by the pro-

visions of double taxation agreements, 17 cases where no additional liabilities arose and two which were covered by the 1993 amnesty provisions.
amount paid to date; the number of cases still outstanding; if any additional action has been taken by the Revenue Commissioners arising from the report of the Ansbacher inspectors; and if he will make a statement on the matter.
[13357/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that their Ansbacher review team has been carrying out detailed investigations since October 1999. The investigation has essentially two elements. There are Ansbacher type arrangements and there are other cases involving offshore funds and deposits.

The Revenue Commissioners have advised that the review team has inquired into 289 cases to date and 115 of these cases have been finalised. The 289 cases, taking account of spouses and connected companies, consist of 300 names. The 289 cases are made up of 179 cases listed on the High Court inspectors' report and 110 similar cases discovered by the Revenue Commissioners or listed in the authorised officer's report.

A total of 211 cases have been under active investigation. The remaining cases consist of 62 non-resident persons, including 17 former Irish residents, 12 individuals who claimed the 1993 amnesty provisions and four cases with insufficient identity information.

The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected entities. The number of connected entities in cases under investigation is now nearly 700. The Revenue Commissioners are making extensive use of their legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available.

The Revenue Commissioners have made six successful applications to the High Court for the production by financial institutions and third parties of books, records and other documentation which are relevant to liabilities of Ansbacher account holders. Some 200,000 documents have been received under the terms of the High Court orders. Advanced investigative computer software is used in controlling and managing the documentation.

To date, a total of €47.78 million has been received, consisting of settlements and payments on account, in respect of 95 cases. This is made up of:

visions of double taxation agreements, 17 cases where no additional liabilities arose and two which were covered by the 1993 amnesty provisions.

The Revenue Commissioners made an application under section 11 of the Companies Act 1990 for a copy of the High Court inspectors' report and this was made available on 6 July 2002. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned. In addition, the Revenue Commissioners made a further application to the High Court for access to the supporting papers to the High Court inspectors' report.

Judgment was delivered by the President of the High Court in May 2004 to allow access to documents relating to clients of Ansbacher named in the High Court inspectors' report and those persons and companies, including members of the board, found by the High Court inspectors to have failed to co-operate with their inquiry. The judgment also allows for the Revenue Commissioners to make application and grounding affidavit for the obtaining of information and documents relating to any other individual or company. Access to documents is subject to the direction of the High Court. The High Court order in the matter was granted in June 2004 and perfected in January 2005. The Revenue Commissioners have applied, on foot of the order, for access to documentation in respect of certain cases named in the High Court inspectors' report. The documentation is awaited.

The Revenue Commissioners have informed me that the investigations are time consuming and complex and are likely to continue for some time to come.

Tribunals of Inquiry.

115. **Mr. F. McGrath** asked the Minister for Finance the reason tribunals and other public inquiries cost taxpayers €191.8 million; and if he will make a statement on the matter. [7474/05]

Minister for Finance (Mr. Cowen): The high cost is in part a function of the complexity and duration of some inquiries, for example, the Tribunal of Inquiry into Certain Planning Matters and Payments was established, following a resolution of Dáil Éireann, by instrument of the then Minister for the Environment and Local Government in November 1997. The cost is also driven by the structure of such inquiries and the process necessarily pursues matters which may create an entitlement to legal representation for certain witnesses. The level of remuneration payable to those members of the legal profession who are involved on the State legal teams or represent third parties is in itself a major element of the cost.

The total cost from 1990 through to end December 2004 of completed and sitting tribunals and other inquiries was €191.8 million. Of this, €138.9 million was in respect of legal costs and €52.9 million related to other costs. The figure for legal costs includes some €60.5 million in respect of those third party costs which have been awarded to date.

Three tribunals had been fully completed by 31 December 2004 to the stage where practically all third party costs had been presented, taxed and paid. These were the beef tribunal, the McCracken tribunal and the Finlay inquiry. The approximate cost of these inquiries was €37.7 million, of which State legal fees accounted for €6.2 million; third party costs were €25.5 million, representing 68% of total costs, and non-legal or administrative costs were just under €6 million. In regard to tribunals of inquiry and public inquiries still incomplete at end 2004, the cumulative cost was €154.1 million, of which €72.2 million related to State legal costs; €35 million to third party legal costs; and €46.9 million to non-legal or administrative costs.

A number of measures have already been implemented to address the costs of tribunals and other inquiries, including the enactment of the Commissions of Investigations Act 2004, which aims to facilitate the taking of evidence in private on a voluntary co-operative basis, and the Government decision to alter the fees structure for lawyers acting for newly established tribunals. The new rates will also apply to existing tribunals with effect from specific target completion dates set by the Government in the light of consultation between the Attorney General and the chairpersons of the existing tribunals.

In addition, legislation required to similarly constrain third party costs and to improve the operational efficiency of tribunals is being prepared by the Minister for Justice, Equality and Law Reform, who has general responsibility for tribunal related legislation. The rulings on third party costs at the Mahon and Morris tribunals, where those deemed to have not co-operated or who failed to assist the tribunals adequately were either refused costs or awarded reduced costs, provide a clear message for those participating in future hearings which I would expect to have a favourable impact on costs in the future.

Question No. 116 answered with Question No. 85.

Question No. 117 answered with Question No. 72.

Financial Services Regulation.

118. **Ms Shortall** asked the Minister for Finance if he is satisfied that there are sufficient procedures in place to supervise companies based in this country offering re-insurance, especially in view of concerns in other jurisdictions about a company (details supplied); if his attention has been drawn to recent comments in *The New York Times* suggesting that Ireland was among the world's friendliest jurisdictions for reinsurers offering a regulatory environment that some analysts have criticised as overly loose and forgiving; and if he will make a statement on the matter. [13368/05]

Minister for Finance (Mr. Cowen): Reinsurance is a business-to-business activity and consequently there are widely different approaches to the degree, if any, to which it is subject to particular regulatory requirements. This disparity in approach is also evident within the European Union.

The European Union is about to agree a reinsurance directive which will oblige all member states to introduce a supervisory regime for reinsurance companies, based on a modified version of the regime that applies to insurance companies. Key features of the proposal will be: minimum capital; “fit and proper” directors-managers; ongoing solvency supervision; and powers for the financial regulator to give directions and so forth. We have supported this approach.

Our approach in Ireland to regulation of reinsurance companies has been influenced by the fact that it is a business-to-business activity, with no consumer protection dimension. Up to 2000, the only regulatory requirements were that reinsurance companies notify the regulator, then the Minister for Enterprise, Trade and Employment, before commencing business and file accounts with the Companies Registration Office.

Since the enactment of the Insurance Act 2000, an enhanced regime provides that each reinsurance company must provide the regulator, now IFSRA, with detailed annual company information. It also gives the regulator the power to order a reinsurance company to cease business in a number of specified circumstances. The Act also provides for the introduction of a full authorisation and supervision regime for reinsurance companies, analogous to that applying to insurance companies, provided that the Minister is satisfied that this is justified and makes an order permitting the relevant section of the Act to take effect. In light of the planned introduction of an EU wide reinsurance supervisory regime, this power has not been used to date.

I am aware of the recent press coverage of concerns about a specific company referred to by the Deputy. In light of this controversy, I have written to the financial regulator seeking advice on the adequacy of the existing legislative and regulatory arrangements for the proper supervision of such bodies.

Tax Collection.

119. **Mr. M. Higgins** asked the Minister for Finance the progress made to date by the Revenue Commissioners in its investigation into the reported use of single premium insurance policies as a tax avoidance mechanism; if an estimate is available of the amount of tax that may have been evaded; and if he will make a statement on the matter. [13343/05]

125. **Ms Burton** asked the Minister for Finance if, arising from the announcement of the Revenue Commissioners investigation into undisclosed funds invested in life assurance products, there are plans to investigate those who may have aided

and abetted evasion through the sale of these products; and if he will make a statement on the matter. [13338/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 119 and 125 together.

I am advised by the Revenue Commissioners that the current focus of their investigation is into undisclosed funds invested in life assurance products. In the first phase of the investigation taxpayers who come within the scope of the investigation are being encouraged to come forward voluntarily and make the appropriate disclosures and payments to the Revenue Commissioners before the deadline dates. In this regard taxpayers are required to give notice of an intention to make a qualifying disclosure by 23 May 2005 and to follow up with the actual disclosure and payment of the outstanding liabilities by 22 July 2005.

Those who do so and make qualifying disclosures will pay reduced penalties, will not have their names published in the tax defaulters lists and will not be prosecuted. Those who do not will be identified in the follow up investigation and will face the full rigours of the tax code, including publication of their names in *Iris Oifigiúil*, if the settlement exceeds the publication threshold of €12,700 and consideration for prosecution.

If, during their investigation, any evidence of aiding and abetting taxpayers to evade tax emerges, it will also be investigated. The Finance Act 2005 makes changes to the law in this regard. It does not, however, have retrospective effect but will be of benefit in future investigations. It is too early at this stage to predict the monetary outcome of this investigation.

Tax Code.

120. **Mr. Gogarty** asked the Minister for Finance if he has considered establishing an annual review of all tax reliefs, incorporating cost benefit analyses measuring each relief's fiscal, economic, social and environmental effects the results of which would be put into the public domain; and if he will make a statement on the matter. [13374/05]

Minister for Finance (Mr. Cowen): Tax reliefs and incentives are regularly placed under review as part of the budget and Finance Bill process. The tax strategy group, whose papers are largely put into the public domain, has from the time of its establishment routinely reviewed tax expenditures and incentive relief provisions.

Second, as the Deputy is aware, I announced in my Budget Statement that my Department and the Office of the Revenue Commissioners would undertake a detailed review of certain tax incentive schemes and tax exemptions in 2005. This review is now underway and is evaluating their impact and operation, including their economic and social benefits for the different locations and sectors involved and to the wider community. In addition, the review is examining the question of

horizontal measures which would balance the benefits of the reliefs and incentives with the degree to which these schemes allow high income individuals to reduce their tax liabilities.

The review involves a public consultation process, which was publicly advertised, and the views of public representatives and of the Social Partners were also requested. Some 80 submissions were received by mid-April and are being examined.

My Department has recently appointed external consultants to review certain property based tax incentive schemes. It is envisaged that the consultancy review of these various reliefs will be completed by end July 2005.

Finally, the review will also involve the examination by my Department and the Revenue Commissioners of certain other tax exemptions, for example, stallions, woodlands, artists and patent income. The aim is to have all these examinations completed by the autumn so that the various issues can be examined in the context of the 2006 budget next December.

Decentralisation Programme.

121. **Mr. Deenihan** asked the Minister for Finance the position regarding the acquisition of a green field site or an existing building for the decentralisation of 50 Revenue Commissioners staff to Listowel, County Kerry; and if he will make a statement on the matter. [13190/05]

Minister of State at the Department of Finance (Mr. Parlon): A number of possible property solutions are being considered in respect of the decentralisation of the Revenue Commissioners to Listowel. These include green field sites and existing buildings.

The process of acquiring a suitable solution is progressing. Any final agreement will depend on a number of factors, including acceptable terms, compliance with OPW technical requirements and a suitable timescale.

Financial Services Regulation.

122. **Mr. Eamon Ryan** asked the Minister for Finance his views on recent figures on consumer debt which show a higher ratio of debt to income than ever before; and if he will make a statement on the matter. [12189/05]

Minister for Finance (Mr. Cowen): I am aware of the concerns expressed by a number of commentators about the continued increase in credit growth, particularly to the household sector, and the possible effects of increasing indebtedness upon borrowers.

The growth of credit and the associated increase in indebtedness are a matter for the Central Bank and Financial Services Authority of Ireland, taking into account its role as a part of the European system of central banks and its functions, as the Irish Financial Services Regulatory Authority, relating to the prudential super-

vision of financial institutions and the protection of the consumers of those firms.

The financial regulator has already drawn attention to the need for consumers to choose the right type of loan for their needs and, in particular, to carefully consider the long-term effects of consolidating personal debt into existing mortgages. Separately, mortgage lenders were requested to review their practices and to stress test every would be borrower's ability to meet their credit obligations in the event of more challenging times.

The provision of consumer credit in Ireland is regulated by the Consumer Credit Act 1995, which is administered by the financial regulator. This Act obliges credit providers to include specific information in all credit agreements in order to ensure that a consumer, when making credit decisions, has access to the fullest possible information about the agreement being entered into and the impact that servicing a loan will have on the consumer's household budget.

In addition, the Central Bank and the financial regulator have sought to raise the level of awareness of both borrowers and lenders of the importance of prudent borrowing and responsible lending. For instance, the financial regulator, with its statutory consumer mandate, has developed a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of financial products. These initiatives have been developed through the framework of the financial regulator's "It's Your Money" campaign and have involved publishing consumer guides on credit products, fact sheets, cost surveys on personal loans, all of which are intended to assist borrowers in making the most appropriate credit decisions given their circumstances.

Exchequer Returns.

123. **Ms Lynch** asked the Minister for Finance if he will make a statement on the Exchequer returns for the first quarter of 2005; the steps being taken to address the continuing reduction in capital spending, in real terms. [13348/05]

Minister for Finance (Mr. Cowen): I have already issued a press statement regarding the end of March Exchequer returns, which is available on my Department's website.

As stated in the press statement, an Exchequer surplus of €880 million was recorded in the first quarter of 2005. Tax receipts were €221 million or 2.5% ahead of profile, due largely to the better than anticipated performance of VAT. The end of March Exchequer returns also showed that net issues to Departments and offices were €438 million below the published expenditure profile. This was primarily attributable to timing factors.

Provision for public capital investment has been maintained in recent years at or close to 5% of GNP or around twice the EU average and this is continued in the rolling five year multi-annual

[Mr. Cowen.] capital envelopes introduced in budget 2004. The innovation under the capital envelopes of allowing Departments to carry over unspent voted Exchequer capital to the following year, €237 million from 2004 to 2005, is designed to optimise spending of capital allocations. The variation with profile of voted capital spending at end March was primarily due to timing factors and expectations at this stage are that spending for the year will be in line with target.

Question No. 124 answered with Question No. 59.

Question No. 125 answered with Question No. 119.

Non-Resident Accounts.

126. **Ms O'Sullivan** asked the Minister for Finance the number of High Court orders sought to date by the Revenue Commissioners under the 1999 Finance Act to require financial institutions to supply names, addresses and other relevant information regarding holders of bogus accounts at the latest date for which figures are available; the number of cases where orders have been granted; the general progress made to date in identifying the holders of such accounts who did not avail of the recent voluntary disclosure scheme; and if he will make a statement on the matter. [13356/05]

Minister for Finance (Mr. Cowen): Authorised Revenue Commissioners officers are empowered to make an application to a judge of the High Court seeking an order requiring financial institutions to supply names, addresses and other relevant information concerning account holders who may have held bogus non-resident deposit accounts. Such applications are made under section 908 of the Taxes Consolidation Act 1997, as amended by the Finance Act 1999. Information supplied by the financial institutions under section 908 orders is the principal basis for identifying bogus non-resident account holders who did not avail of the voluntary disclosure scheme in 2001. This inquiry work commenced on 16 November 2001.

I am advised by the Revenue Commissioners that 18 applications for orders under section 908 have been made and have been granted. When one includes institutions which have been taken over or amalgamated with other institutions these orders seek information in respect of accounts in 26 financial institutions. No further applications for such orders are pending in regard to the bogus non-resident account inquiries.

A large volume of information has been reported to the Revenue Commissioners under the High Court orders. Inquiry work on the examination of the first batch of taxpayers commenced on 11 October 2002. Further general issues of inquiry letters were made in January, May, July, September, October 2003 and January

2004. These general inquiry letter issues relate to 91,000 non-resident accounts that had Irish addresses connected to them. A total of 177,000 inquiry letters have been issued to taxpayers in respect of these non-resident accounts. The final general inquiry letter issue took place in January 2004.

The Revenue Commissioners have informed me they are satisfied that very significant progress has been made in this the final phase of the investigations. Since 15 November 2001, payments of €352 million have been made to the Revenue Commissioners by taxpayers who held bogus non-resident accounts.

EU Directives.

127. **Mr. Sherlock** asked the Minister for Finance the number of EU directives for which his Department has responsibility that are yet to be implemented; the number in respect of which the deadline has passed; and if he will make a statement on the matter. [13366/05]

Minister for Finance (Mr. Cowen): There are currently nine EU directives for which my Department has responsibility which have yet to be implemented. The deadline has passed in the case of three of these directives. One of the three was transposed through a number of sections in Part 3 of the Finance Act 2004 ahead of the transposition deadline of 1 January 2005 but the Commission was not notified in advance of the deadline. The Commission has now been notified of this fact. A further one will be transposed shortly by statutory instrument while the third one listed as overdue was transposed through the Finance Act 2005 and a letter notifying the Commission of transposition will issue shortly. The details of each of the directives are as follows.

Council Directive 2003/98/EC relates to re-use of public sector information. This directive lays down ground rules for the re-use of public sector information for commercial purposes. The deadline for implementation is 1 July 2005. A draft S.I. has been received from the Office of the Parliamentary Counsel. The deadline is expected to be met.

Council Directive 2004/106/EC of 16 November 2004 amends directives 77/799/EEC, concerning mutual assistance by the competent authorities of the member states in the field of direct taxation, certain excise duties and taxation of insurance premiums, and 92/12/EEC, on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products. This directive requires transposition by 1 July 2005. Reference to this directive was inadvertently left off the list of directives which have yet to be implemented when I replied to a similar question on 2 March 2005.

Council Directive 2005/19/EC of 17 February 2005 amends Directive 90/434/EEC 1990 on the common system of taxation applicable to mergers, divisions, transfers of assets and exchange of

shares concerning companies of different member states. This directive has only recently been agreed and published in the *EU Journal* on 4 March 2005 with a deadline for transposition of 1 January 2006.

Council Directive 2004/18/EC is the revised public sector procurement directive. This directive co-ordinates the procurement procedures for the award of public works contracts, public supply contracts and public service contracts. The deadline for implementation is 30 January 2006.

Council Directive 2004/17/EC is the revised utilities sector procurement directive. This directive co-ordinates the procurement procedures of entities operating in the water, energy, transport and postal services sector. The deadline for implementation is 30 January 2006.

Council Directive 2004/39/EC is the markets in financial instruments directive, M.I.F.I.D. This directive allows investment firms to provide their services across the EU on the basis of their home country authorisation, that is, it will give them an effective “single passport”. The deadline for implementation is 30 April 2006.

Council Directive 2003/92/EC of 7 October 2003 amends Directive 77/388/EEC as regards the rules for VAT on the place of supply of gas and electricity. This directive was transposed through a number of sections in Part 3 of the Finance Act 2004 ahead of the transposition deadline of 1 January 2005. The Commission has now been notified of this fact.

Council Directive 2003/96/EC of 27 October 2003 restructures the Community framework for the taxation of energy products and electricity. The deadline for transposition was 31 December 2003. As was already outlined in response to the Parliamentary Question No. 7281/05 of 2 March 2005, Ireland was already in compliance with all significant requirements of the directive prior to 1 January 2004. However, the outstanding elements of the directive were transposed through the Finance Act 2005. A letter notifying the Commission of transposition will issue shortly.

Council Directive 2004/56/EC of 21 April 2004, amending Directive 77/799/EEC, concerns mutual assistance in the field of direct taxation, certain excise duties and taxation of insurance premiums. The deadline for transposition was 1 January 2005. A statutory instrument is being prepared and the directive will be transposed shortly.

Every effort is being made in my Department, in conjunction with the Office of the Attorney General and the Office of the Parliamentary Counsel to the Government, to ensure that any outstanding directives will be transposed as a matter of urgency and that remaining directives will be transposed on time.

Decentralisation Programme.

128. **Mr. P. McGrath** asked the Minister for

Finance if an evaluation of the proposed decentralisation of Ordnance Survey Ireland has been prepared or presented to him. [13318/05]

Minister for Finance (Mr. Cowen): As I stated in my reply to Parliamentary Question No. 52 dated 1 February 2005 and Parliamentary Question No. 69 dated 3 March 2005, all organisations that are decentralising, including Ordnance Survey Ireland, OSI, have prepared and submitted an implementation plan as requested by the decentralisation implementation group, DIG. This plan included detailed material on all issues to be addressed in terms of people, property and business planning and will be further developed as additional information emerges. The plan also incorporates specific risk assessment and mitigation strategies. The plan was circulated to all staff and has been placed on the OSI Intranet.

In November, the DIG published its list of “early movers” and this list, which was accepted by Government, does not include Ordnance Survey Ireland, OSI. It is expected that a further report will issue from the DIG dealing with all remaining locations, including Dungarvan.

Question No. 129 answered with Question No. 91.

Financial Services Regulation.

130. **Mr. Costello** asked the Minister for Finance the progress made in his discussions with the Financial Services Ombudsman Council about the financial service providers not regulated by the financial regulator that should be brought within the scope of the Financial Services Ombudsman; and if he will make a statement on the matter. [13341/05]

Minister for Finance (Mr. Cowen): Following consultation with the Financial Services Ombudsman Council and the financial regulator, I have made regulations to extend the remit of the Financial Services Ombudsman. Consequently, the ombudsman can deal with eligible consumer complaints against financial service providers that are not subject to regulation by the financial regulator but are covered by the terms of the Consumer Credit Act. The ombudsman can also deal with complaints against the Voluntary Health Insurance Board.

The ombudsman’s remit now extends to complaints against all significant providers of financial services in the State. These include credit institutions; insurance companies; credit unions; intermediaries, including mortgage and credit intermediaries; providers of hire purchase and consumer hire facilities; moneylenders; pawnbrokers; non-deposit taking lenders; and all lenders who provide finance on the security of the family home.

The regulations are contained in SI 191 of 2005 which has been laid before both Houses of the Oireachtas and is available on my Department’s website.

Decentralisation Programme.

131. **Mr. Quinn** asked the Minister for Finance the total anticipated costs, in terms of acquiring and equipping premises and other related costs, at the latest date for which figures are available of the original decentralisation programme announced in budget 2004 and the slimmed down version announced in December 2004; and if he will make a statement on the matter. [13360/05]

Minister of State at the Department of Finance (Mr. Parlon): The Government is committed to the full implementation of the decentralisation programme announced in budget 2004, involving some 10,500 Civil Service and public service jobs in more than 56 locations. The Office of Public Works is in the process of procuring appropriate properties in the designated locations for the Departments and agencies involved, with much progress having been made over the past number of months. Property acquisition negotiations are completed or are significantly advanced at more than 20 locations, with the most recent contract signed in Sligo earlier this month.

The prevailing property market conditions in each geographical area have a significant bearing on the cost of acquiring sites. As the acquisition process is still in progress, it is not possible at this stage to provide a precise estimate of the cost of the site acquisition programme. However, for working purposes only, an indicative figure of €75 to €100 million is being used by the OPW.

The decentralisation implementation group, DIG, announced the names of the Departments and organisations selected to move in the first phase of the programme on 24 November 2004. A further report from the group on the procurement and financial issues relating to property was also published on 24 November 2004. The next stage in the decentralisation process will focus on the construction of office accommodation on the sites being procured by the OPW. In line with the DIG report on procurement, the OPW advertised for expressions of interest in the first 15 design-build projects in December 2004. A significant response was received and a number of contractors are being pre-qualified. The programme is on target to meet the deadlines published by the DIG.

In regard to the public private partnership, PPP, approach recommended by the DIG, the OPW has been developing a comprehensive risk-adjusted costing of project elements to measure the value-for-money of future PPP bids. It is anticipated that, in the vast majority of cases, the accommodation facilities will be provided by the construction of new office buildings and cost estimation can be approached on that basis. However, in advance of actual market testing of any procurement methodology, it is possible only to assign the most general measurements of cost to such a large-scale, diverse and complex programme.

It is estimated that approximately 210,000 sq. m. of office space will be required to accommo-

date the total numbers included in the programme. Current OPW cost norms in respect of offices indicate an average build-cost to fit-out standard in the range of €1,800 per square metre to €2,200 per square metre. Such figures exclude VAT, professional fees and inflation. In addition, the cost of equipping the accommodation to standard office equipment levels could be estimated at €4,000 per person. This would exclude the cost of information and communication technology and specialised equipment requirements.

Such general measurements of cost do not include specialised facility and equipment requirements and other variables which would arise from the spread of possible procurement methodologies. Moreover, general cost indicators of this type show a snapshot in time. It is self evident that a firmer scale of costs for the decentralisation programme will only emerge on foot of actual cost proposals being received from the market later this year. Nevertheless, we can clearly anticipate that the cost of providing accommodation infrastructure in provincial locations compared to central Dublin locations should yield considerable cost savings to the State over time in terms of site costs, capital build costs and maintenance costs.

Health Services.

132. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 329 of 26 January 2005, the position in regard to a person (details supplied) in County Wicklow; if the decision will be re-examined and this person treated as speedily as possible; and if she will make a statement on the matter. [13472/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Mental Health Services.

133. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 201 of 7 October 2004, the progress to date on the development of the Roscommon-east Galway services; and if she will make a statement on the matter. [13533/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered

on its behalf, health and personal social services. This includes the development and modernisation of mental health services in east Galway and Roscommon. Accordingly, my Department has requested the chief officer for the Health Service Executive's western area to investigate the matter raised and to reply directly to the Deputy.

Cancer Screening Programme.

134. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 793 of 29 September 2004, if she will report on the progress to date; and if she will make a statement on the matter. [13534/05]

Tánaiste and Minister for Health and Children (Ms Harney): The former health board executive commissioned an international expert in cervical screening to examine the feasibility and implications of the national roll-out of a cervical screening programme. The examination included an evaluation of the current pilot programme in the mid-western area, quality assurance, laboratory capacity and organisation and the establishment of national governance arrangements. The expert's report was published on 14 December 2004.

I am committed to the national roll-out of a cervical screening programme in line with international best practice. International evidence demonstrates the proven efficacy of programmes that are effectively managed and meet quality assurance standards. Careful planning and consultation with relevant professional and advocacy stakeholders is required before I make definite policy decisions on a national roll-out.

My Department is now consulting with the Irish College of General Practitioners, An Bord Altranais, the Academy of Medical Laboratory Science, the Institute of Obstetricians and Gynaecologists of the Royal College of Physicians of Ireland, the faculty of pathology of the Royal College of Physicians of Ireland, the Women's Health Council and the Irish Cancer Society on the report. The consultation with these key stakeholders is well advanced and will be completed in a matter of weeks.

Health Services.

135. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Questions Nos. 185 and 186 of 9 February 2005, the position in regard to the case of a person (details supplied) in County Wicklow; if this person will be seen as a matter of urgency; and if she will make a statement on the matter. [13569/05]

136. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Questions Nos. 185 and 186 of 9 February 2005, the position in regard to a person (details supplied) in County Wicklow; if this per-

son will be seen as a matter of urgency; and if she will make a statement on the matter. [13570/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 135 and 136 together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services in County Wicklow. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matters raised as a matter of urgency and to reply direct to the Deputy.

Hospital Services.

137. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Galway will be transferred from a surgical ward at University College Hospital, Galway, to the National Rehabilitation Centre, Dún Laoghaire; and if she will make a statement on the matter. [13571/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at University College Hospital, Galway. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

HSE Correspondence.

138. **Mr. Allen** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Questions Nos. 178 and 315 of 12 April 2005, the date the southern region of the HSE responded directly to this Deputy; and if she will provide a copy of the communication. [13572/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been advised by the Health Service Executive's southern area that responses were sent by e-mail to the Deputy. My Department has asked that a hard copy of the reply be sent to the Deputy without delay.

Hospital Services.

139. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason the HSE and the James Connolly Memorial Hospital have not dealt with the complaint of a person (details supplied) in Dublin 5 in a comprehensive, caring and professional manner; and if she will make a statement on the matter. [13573/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at James Connolly Memorial Hospital, Blanchardstown. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply to the Deputy directly.

Health Services.

140. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if she is aware that this State has the highest incidence of cystic fibrosis in the world, with a higher death rate than neighbouring countries and that this situation needs immediate action. [13577/05]

141. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the steps she will take to address the dangerously inadequate staffing levels in the cystic fibrosis centres. [13578/05]

142. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the steps she is taking to design and build a small number of highly staffed and fully supported cystic fibrosis centres with reasonable geographical access including the availability of consultant gastroenterology, endocrinology and ENT staff; and if she will make a statement on the matter. [13579/05]

143. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children when she or her officials last met with the Cystic Fibrosis Association of Ireland; and the outcome of the meeting. [13580/05]

144. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the funding given by her Department each year to the Cystic Fibrosis Association of Ireland in the past five years. [13581/05]

145. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the report of the Cystic Fibrosis Association of Ireland, Towards a Better Service; the steps which have been taken to address the recommendations of the association contained therein; and if she will make a statement on the matter. [13582/05]

146. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children her views on whether the existing cystic fibrosis centres should remain and should be enhanced through linking their adult and children's units; her further views on whether a neonatal screening programme should be established thereafter; and

if she will make a statement on the matter. [13583/05]

147. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children her views on the recommendation in the Cystic Fibrosis Association of Ireland report, Towards a Better Service, that tertiary paediatric services be developed; and the steps which have been taken to realise this. [13584/05]

148. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children her views on whether there is an excessive burden on the cystic fibrosis services at St. Vincent's Hospital, Dublin, which could be alleviated by the development of adult provision outside Dublin to create a broad geographical service coverage. [13585/05]

149. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children the steps being taken to ensure all beds for cystic fibrosis are within single rooms in hospitals with *en suite* toilet facilities to prevent the transmission of dangerous organisms. [13586/05]

150. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if consideration has been given to the provision of a microbiology reference library to support and inform the cystic fibrosis centres and to impart advances in knowledge and treatment, and to a cystic fibrosis registry being maintained and developed; and if she will make a statement on the matter. [13587/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 140 to 150, inclusive, together.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for health services for patients with cystic fibrosis.

The Cystic Fibrosis Association of Ireland commissioned Dr. Ronnie Pollock to review the existing hospital services for people with cystic fibrosis in the context of accepted international standards. Dr. Pollock's report, which was officially launched earlier this year, provides an assessment of need for current and future cystic fibrosis patients and makes a number of recommendations with regard to the numbers and categories of staff appropriate for a modern, multi-disciplinary cystic fibrosis service. The report concludes that cystic fibrosis care should be provided in fewer units of a more significant size to ensure viable staffing levels can be maintained and that staff have a sufficient workload to enable them to maintain their skills level.

Following the publication of the Pollock report, the Health Service Executive met with the Cystic Fibrosis Association of Ireland and agreed to the

latter's request to establish a working group to consider the report's recommendations. The group, which is multidisciplinary in its composition, is chaired by the HSE. The group held its first meeting in early April and I understand it hopes to complete its work over the next few months.

My Department is also advised that, in parallel with the work of the group, the Health Service Executive is pursuing with St. Vincent's Hospital, which is designated as the national adult cystic fibrosis centre, proposals for improvement to the physical infrastructure of the centre. Finally, I met in recent weeks with representatives of the Irish Donor Network, including the chief executive of the Cystic Fibrosis Association of Ireland, to discuss issues relating to organ transplantation services.

Hospital Services.

151. **Mr. Aylward** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Kilkenny will be admitted for surgery to Tallaght Hospital. [13593/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. As the person referred to by the Deputy resides in County Kilkenny, my Department has requested the chief officer for the executive's south eastern area to investigate the matter and reply directly to the Deputy.

Cancer Screening Programme.

152. **Ms Lynch** asked the Tánaiste and Minister for Health and Children if she has information regarding a private consortium putting together a proposal to provide the BreastCheck services in the Munster region; and if she will make a statement on the matter. [13594/05]

Tánaiste and Minister for Health and Children (Ms Harney): I am not aware of any proposal by a private consortium to provide BreastCheck services in the Munster region. The roll out of the national breast screening programme to the remaining regions in the country is a major priority in the development of cancer services. This will ensure that all women in the relevant age group in every county have access to breast screening and follow up treatment where appropriate.

A design brief for the BreastCheck static units at the South Infirmiry-Victoria Hospital, Cork and University College Hospital, Galway, has been completed. The advertisement for the appointment of a design team will be placed in the *EU Journal* shortly. I am confident that the target date of 2007 for the expansion of BreastCheck nationally will be met.

Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should consult her GP who, where appropriate, will refer her to the symptomatic services in her area.

Vaccination Programme.

153. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the cost and practicality of using local health clinics to administer flu vaccinations as an alternative to general practitioners. [13595/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the administration of the influenza vaccines. Accordingly, my Department has requested the Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

154. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the funding being allocated in 2005 for promoting awareness of the MMR vaccine. [13596/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for immunisation programmes, including MMR. Accordingly, my Department has requested the Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

Medical Cards.

155. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the funding that would be required on an annual basis to extend medical card eligibility to all children under the age of 18 years. [13597/05]

Tánaiste and Minister for Health and Children (Ms Harney): Based on information supplied to the Department by the Central Statistics Office regarding numbers of the population group referred to, and on current rates payable to contractors — pharmacists and general practitioners — who provide services to fully eligible persons under the GMS scheme, an estimate of the cost of extending full eligibility to medical cards to all those under 18 years would be in the region of €137 million. There may be some savings as a result of such an initiative from the drug payments and long-term illness schemes.

Health Services.

156. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the funding that would be required to provide radiotherapy units in each of the Health Service Executive regions. [13598/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government's policy on radiation oncology is based on the report, *The Development of Radiation Oncology Services in Ireland*. The report recommends that the first priority should be the development of a clinical network of four large centres that collectively have the staff and treatment infrastructure to permit a rapid increase in patient access to appropriate modern radiation therapy and form the backbone of the anticipated additional future service expansion.

Medical Cards.

157. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the likely annual cost of providing free health care to all citizens on the model of the National Health Service in the United Kingdom. [13599/05]

Tánaiste and Minister for Health and Children (Ms Harney): The estimated cost of extending full medical card eligibility to all of the population would be in the region of €3 billion, based on current fees to participating contractors — pharmacists and GPs in the GMS scheme — and existing IR negotiations. However, this does not take any account of adjustments to fees to the contractors, which might result from negotiations with the representative bodies of the contractors involved.

Other costs would also, of course, be associated with a medical card such as the dental treatment services scheme, DTSS. Based on the current cost of the DTSS for existing medical card holders, the cost of extending the scheme to the whole population would be approximately €162 million, allowing for potential savings of approximately €50 million on the dental treatment benefit scheme. However, the final cost could be higher than €162 million, depending on the outcome of negotiations that might be held on the matter. The issue of prescription charges, which exist in the UK but from which the majority of the UK population is exempt, has not been factored into this calculation. The Government is fully committed to the extension of medical card coverage as set out in the health strategy.

Health Service Staff.

158. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the number of midwives employed by the Health Service Executive. [13600/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, HSE, which was

established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the employment of nursing and midwifery staff. Accordingly, my Department has requested the acting national director for human resources at the HSE to investigate the matter raised and to reply directly to the Deputy.

159. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the vetting procedures in place for potential new employees within the health service, especially those potentially likely to have dealings with children; the funding being allocated in 2005 for such procedures; and if she will make a statement on the matter. [13601/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Garda vetting services are available in respect of public health sector employees with substantial unsupervised access to children and vulnerable adults. This has been the case over many years.

The Garda Commissioner established a working group on Garda vetting to examine the enhancement of the vetting service. This working group made a series of broad ongoing recommendations to expand and enhance the State's vetting capacity. One major recommendation was that all organisations that recruit and select persons who would have substantial unsupervised access to children and vulnerable adults should avail — and should be entitled to avail — of the vetting services of the Garda central vetting unit. I understand that the expansion is to commence this year on a phased basis as soon as the necessary practical arrangements are in place.

Extra staffing resources are being made available to the Garda central vetting unit to facilitate this expansion. The Deputy will appreciate that the funding allocation for the Garda Síochána is a matter for the Minister for Justice, Equality and Law Reform. While criminal record checking of new employees who would have substantial unsupervised access to children is an important component of a well developed child protection system, good recruitment and employment practices remain an integral part of such a system.

Medical Cards.

160. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will consider a free check up service with their general practitioner for all retired persons; and the likely cost of such an initiative on an annual basis. [13602/05]

Tánaiste and Minister for Health and Children (Ms Harney): I understand the Deputy is referring to all persons over 65 years. Under the current general medical services scheme participating general practitioners enter into contracts to provide services to patients who have been

deemed eligible for such services by the local area of the Health Service Executive. Upwards of 48% of persons in this age category qualify for medical cards at present. The capitation rates payable are an annual amount, which reflects the age, gender and location of the patient and the agreements in place in this regard with the Irish Medical Organisation. I have no plans to introduce a service such as that suggested by the Deputy.

Grant Payments.

161. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the funding allocated by the State for the mobility allowance in 2004. [13603/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In the Book of Estimates for 2004, the estimate for mobility allowance was €2.949 million.

Hospital Services.

162. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the current designation of public-private beds within the health system; and the cost likely to be incurred by reducing the proportion of private beds to 10%. [13604/05]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of private care in public acute hospitals has been a long standing feature of the Irish health care system and the consultants' common contract includes a provision to allow consultants treat private patients in public hospitals. On average 20% of beds in public hospitals have been designated as private accommodation. The income from private and semi-private accommodation charges is approximately €160 million per annum. The reduction of the designation to 10% would therefore cost approximately €80 million. Issues relating to private practice on public hospital sites are under review by my Department.

Hospitals Building Programme.

163. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the number of health facilities constructed since 2002 by her Department; and the total cost of same. [13605/05]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is at present being collated by my Department, which will arrange for the details to be forwarded to the Deputy as soon as possible.

Health Service Staff.

164. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children if social care leaders who hold a diploma in social care from the School of Social Education, Kilkenny, will have their qualification recognised to give them

equality with other social care leaders; and if she will make a statement on the matter. [13609/05]

Tánaiste and Minister for Health and Children (Ms Harney): The report of the expert group on various health professions published in April 2000 recommended the establishment of a joint management and union committee to deal with issues arising from the recognition of the autonomy of the child care worker profession. The joint committee on social care professionals was established to examine these issues, including the establishment of a proper career structure for child care workers and a review of the training available with a view to the introduction of a nationally recognised professional qualification.

Arising from the work of the joint committee, a new grading structure was agreed for the profession together with a title change from child care to social care. The joint committee recommended that the minimum standard for accreditation as a social care worker be equivalent to the relevant diplomas awarded by the Higher Education and Training Awards Council and the Dublin Institute of Technology. The grade of social care leader was established as a promotional grade and staff now appointed as social care leaders are expected to hold the relevant professional qualifications.

The joint committee also made recommendations on the establishment of arrangements for the accreditation of qualifying courses and the validation of alternative courses or qualifications acquired outside this country. My Department is working with the Health Service Executive and other agencies to progress the development of the necessary national accreditation and assessment frameworks in the context of the provisions of the Health Act 2004.

Organ Retention.

165. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children if there are guidelines in place relating to the retention of organs of deceased elderly persons by hospitals; if the families of these persons should be informed that retention has taken place; and if she will make a statement on the matter. [13610/05]

Tánaiste and Minister for Health and Children (Ms Harney): In late 1999, my Department wrote to all health boards and hospitals requesting that they ensure that a policy of informed consent should operate in respect of the retention of organs following post mortem examination, pending the issue of guidelines by the faculty of pathology. In February 2000, the faculty issued its "Guidelines for post mortem consent and retention of tissues at post mortem examination".

The Health Services Executive has confirmed that guidelines and protocols are in place for families in respect of both coroners' and non-coroners' post mortems. In accordance with these guidelines, families are to be informed when retention takes place in a coroner's post mortem

[Ms Harney.]
and permission is to be sought to retention in the case of a non-coroner's post mortem.

Disabled Drivers.

166. **Mr. Timmins** asked the Minister for Finance the position with the case of a person (details supplied) in County Wicklow; if it can be dealt with as speedily as possible; and if he will make a statement on the matter. [13473/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers tax concessions scheme. As the Deputy is aware, there have been a number of administrative difficulties with the board of appeal. However, these have now been resolved, and in this respect I appointed a new chairperson to the board on 14 March and a new secretary commenced employment last week.

It is expected that the board of appeal will resume its meetings very shortly. In addition, structures are being put in place to allow the board to meet frequently and to address the current backlog of appeals. As indicated in my reply to the Deputy on 22 February, I will arrange for the new secretary to the board to contact the individual concerned in regard to his appeal.

167. **Mr. Timmins** asked the Minister for Finance the position with the case of a person (details supplied) in County Wicklow; if it can be dealt with as speedily as possible; and if he will make a statement on the matter. [13474/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers tax concessions scheme. As the Deputy is aware, there have been a number of administrative difficulties with the board of appeal. However, these have now been resolved and in this respect I appointed a new chairperson to the board on 14 March and a new secretary commenced employment last week.

It is expected that the board of appeal will resume its meetings very shortly. In addition, structures are being put in place to allow the board to meet frequently and to address the current backlog of appeals. As indicated in my reply to the Deputy on 22 February, I will arrange for the new secretary to the board to contact the individual concerned in regard to his appeal.

Departmental Staff.

168. **Mr. Gregory** asked the Minister for Finance, further to Parliamentary Question No. 185 of 20 April 2005, the number of permanent but unestablished civil servants serving in the State. [13530/05]

Minister for Finance (Mr. Cowen): The precise information the Deputy seeks is not held centrally by my Department at present. I am having

it compiled and will make it available to the Deputy shortly.

Tax Code.

169. **Mr. McGuinness** asked the Minister for Finance his views on a development land tax which might be levied on those whose assets gain in value from wider economic and social development; the likely revenue from such a tax if it were levied at the same rate as capital gains tax; and if he will make a statement on the matter. [13659/05]

Minister for Finance (Mr. Cowen): I have no plans to introduce a development land tax. There is already provision in the capital gains tax code to tax gains on the sale of development land. I have no estimate of the revenue yield from a specific land tax as this depends on the rate of tax applied and the value of the assets concerned.

170. **Mr. McGuinness** asked the Minister for Finance the likely cost to the Exchequer of introducing a 35 hour working week; and if he will make a statement on the matter. [13660/05]

Minister for Finance (Mr. Cowen): There is no estimate available on a costing for a change such as this. There are a number of factors that would need to be considered in making any estimate, including how the reduction in hours worked by existing public service employees would be covered, for example, by employing extra personnel or increased reliance on overtime. No analysis has been carried out of the cost of such a reduction in the working week but since the Exchequer pay bill, excluding pensions, is €13.6 billion, the cost would certainly run to several hundreds of millions.

171. **Mr. McGuinness** asked the Minister for Finance the additional revenues likely to accrue from the introduction of a new top rate of 45% on incomes greater than €100,000 per annum. [13661/05]

172. **Mr. McGuinness** asked the Minister for Finance the additional revenues likely to accrue from the introduction of a new top rate of 50% on incomes greater than €100,000 per annum. [13662/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 171 and 172 together.

It is assumed that the threshold for the proposed new top rates of income tax mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples and would also provide for the insertion of a new band at 42% up to €100,000 for all individual taxpayers.

On this basis, I am advised by the Revenue Commissioners that the full year yield to the Exchequer, estimated by reference to 2005 incomes, of the introduction of a new top rate of

tax of 45% on incomes in excess of €100,000 is €147 million and for a top rate of 50% is €393 million.

These figures are provisional and subject to revision.

173. **Mr. McGuinness** asked the Minister for Finance the cost of providing tax relief at the top rate to all taxpayers who are contributing to pensions, subject to a contribution cap of €250,000. [13663/05]

Minister for Finance (Mr. Cowen): Tax relief on individual pension contributions is allowed at the taxpayer's marginal tax rate, that is, at the standard or higher rate as appropriate in each case. It is assumed that the change mentioned by the Deputy is to provide tax relief at the top rate of tax for all pension contributions by individuals, including those currently relieved at the standard rate.

It is not possible to provide an estimate in respect of employee and employer contributions to occupational pensions because the relevant data on contributions is not captured in such a way as to provide a dedicated basis for compiling this information. Tax relief for pension contributions by employees is normally given by way of a deduction from total income in arriving at income for tax purposes, that is, the income for tax purposes of employees is net of their pension contributions, the "net pay" arrangement. The employer's contributions are an allowable deduction from profits and are not specifically recorded in Revenue Commissioners statistics.

Provisions were included in the Finance Act 2004 requiring employers to provide data on superannuation contributions in the P35 form to be filled by employers in February 2006. Preliminary information should become available in mid-2006, bearing in mind the Revenue Commissioners have to carry out a programme to check the quality, consistency and accuracy of the returns. These changes will yield additional information regarding the overall cost of tax relief for pension contributions but as the returns will be aggregated at employer level they will not provide a precise basis for measuring the potential impact on the Exchequer of proposals for changes at individual level.

As regards the self employed and certain employees in pensionable employment, there are data available relating to relief on contributions for retirement annuity contracts, RACs, for the short tax year 2001. RACs are subject to a current contribution cap of €254,000. On that basis the full year cost to the Exchequer, adjusted for a 12 month year, of the change mentioned is tentatively estimated at approximately €23 million but could be considerably higher if the change resulted in new pension contributors claiming the relief.

Question No. 174 answered with Question No. 60.

175. **Mr. McGuinness** asked the Minister for Finance the cost to the State of tax relief for health insurance in 2004. [13665/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the cost to the Exchequer of tax relief allowed for insurance against expenses of illness in the calendar year 2004 was €218 million.

Drainage Schemes.

176. **Mr. Durkan** asked the Minister for Finance if his Department has received communication from Kildare County Council with a view to undertaking urgently required drainage works in the vicinity of Allenwood, Robertstown and Prosperous, County Kildare; and if he will make a statement on the matter. [13696/05]

Minister of State at the Department of Finance (Mr. Parlon): I refer the Deputy to my reply of 13 April, outlining the position with Allenwood. The Office of Public Works has not received any communication from Kildare County Council concerning drainage works in the vicinity of Allenwood, Robertstown and Prosperous, County Kildare.

As the Allenwood, Robertstown and Prosperous areas form part of the Rathangan drainage district, all matters relating to drainage in these areas are a matter for the local authority.

Tax Yield.

177. **Mr. Durkan** asked the Minister for Finance the extent to which income tax and or other revenue returns are on target to date for 2005; and if he will make a statement on the matter. [13697/05]

Minister for Finance (Mr. Cowen): Overall tax revenues to end March 2005, at €9,024 million, were €221 million or 2.5% ahead of the Department's tax profile target published in January last. Of the main individual tax heads, income taxes were €12 million, 0.5%, below target. VAT receipts were €139 million, 4%, above target. Other taxes to perform ahead of expectations were stamp duties, +€39 million or 7.3%; corporation tax, +€12 million or 2.1%; customs duties, +€12 million or 28.1%; capital acquisitions tax, +€8 million or 17.4%. On the other hand, capital gains tax came in €45 million or 8.8% below target while excises also performed marginally below expectations, —€3 million or 0.2%.

Fiscal Policy.

178. **Mr. Durkan** asked the Minister for Finance the extent to which the Government's capital and current spending programme are on target; and if he will make a statement on the matter. [13698/05]

Minister for Finance (Mr. Cowen): The budget 2005 spending projections for each Government Department were updated in the 2005 Revised

[Mr. Cowen.]

Estimates for Public Services, REV, which were published in February. The REV provided that net voted spending on departmental services will be €36.2 billion.

The end March Exchequer returns showed that net issues to Departments and offices were €438 million below the published expenditure profile — of which €301 million is current and €137 million is capital. This was primarily attributable to timing factors. There are no indications at this stage of the year of any deviations from 2005 spending targets except for the costs arising out of the Supreme Court decision on reimbursement of charges for long stay care in health board institutions. As made clear in the recent Revised Estimates Volume, a Supplementary Estimate will be brought forward for the costs arising in 2005 on foot of the recent Supreme Court decision.

Financial Services Regulation.

179. **Mr. Durkan** asked the Minister for Finance if he has satisfied himself that banking legislation is sufficiently up to date to withstand abuses which could lead to destabilising or undermining the banking system; and if he will make a statement on the matter. [13699/05]

Minister for Finance (Mr. Cowen): The Central Bank and Financial Services Authority of Ireland Act 2003 established the Irish Financial Services Regulatory Authority. The Central Bank and Financial Services Authority of Ireland Act 2004 complemented the 2003 Act, further enhanced the financial regulator's powers and strengthened the regulatory environment. This Act conferred new powers on the financial regulator to impose stiff administrative penalties, to be applied where there is a breach of: any financial services legislation; codes of conduct issued by the regulator; any condition, requirement or direction imposed under legislation or codes.

As far as consumer protection is concerned, the post of consumer director is specifically provided for within the structure of the financial regulator established under the 2003 Act. The director exercises important consumer protection powers under legislation. The 2004 Act provided for an enhanced structure for dealing with consumers who have complaints about financial institutions and also provides consumer and industry consultative panels for the financial regulator. The consumer panel will have an important role in ensuring that the regulator is correctly reflecting the interests of consumers in its protective, that is, issue of codes of conduct, and educational, that is, information pamphlets and so forth, roles. The Act also established a single statutory financial services ombudsman for all financial services firms.

In addition to the specific regulatory requirements under the Central Bank and consumer credit legislation, credit institutions are also subject to specific requirements to know their customers, keep records and report suspicions of money

laundering under criminal justice legislation. Their professional advisers, such as accountants and solicitors, are also subject to these reporting requirements. All companies are subject to the enhanced company law regime that has been put in place in recent years, including the oversight role of the Director of Corporate Enforcement.

I am satisfied that the provisions now available in law provide not just for the effective regulation of the way that credit institutions conduct their business but also for effective supervision and enforcement of the law where necessary. I am open to making suitable amendments to the law, if the need arises. The forthcoming Bill to consolidate and modernise our financial services legislation could offer a suitable vehicle for such amendments.

180. **Mr. Durkan** asked the Minister for Finance if he has had discussions with his European colleagues with a view to coordinating efforts to deter money laundering or criminality in the banking system; and if he will make a statement on the matter. [13700/05]

Minister for Finance (Mr. Cowen): There is strong co-ordination of measures to deter money laundering and criminality in the banking sector at EU level. A third money laundering directive is under consideration within the EU. It received political agreement from Finance Ministers last December and is currently before the European Parliament. I understand that the Luxembourg Presidency hopes to have final agreement on the directive before end June. This process will include adoption of the final text at a forthcoming Council of Ministers meeting.

The third money laundering directive will replace and update the 1991 and 2001 money laundering directives which imposed obligations on financial institutions and, more recently, on lawyers, accountants and auctioneers to identify their clients and report suspicious transactions to the police authorities. The new directive reflects the 2003 revision of the recommendations of the financial action task force on money laundering, FATF, the main international anti-money laundering organisation.

One of the directive's central features is to considerably strengthen the obligation on financial institutions, and others, to identify the beneficial ownership of legal entities. It will also impose an obligation on financial institutions and others to pay particular attention to "politically exposed persons" from other member states and from third countries. The directive also brings terrorist funding into the money laundering framework and introduces the concept of a risk based approach to the implementation of its requirements. If agreed, the directive will require amendment of our domestic legislation regarding money laundering.

The issues of money laundering and criminality generally are, of course, also regularly discussed at the Justice and Home Affairs, JHA, Council of

the EU and a report on progress in the implementation of the framework decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime, is due to be submitted by the commission to the JHA council by 30 June of this year. Ireland also participates fully in work to ensure that the EU legal frameworks are adapted to the FATF's special recommendations on terrorist financing.

181. **Mr. Durkan** asked the Minister for Finance if he has issued guidelines or instructions to banks, building societies or other institutions with a view to combating credit card fraud; and if he will make a statement on the matter. [13701/05]

Minister for Finance (Mr. Cowen): Credit card fraud is primarily a criminal justice matter and, as such, combating credit card fraud does not fall within the remit of my Department. The detection and prevention of credit card fraud is treated very seriously by the financial services industry and by the Garda Síochána. I understand that regular meetings are held between the industry and the Garda to exchange information and co-ordinate efforts to combat fraud.

The financial regulator also monitors developments in this area in view of the potential consequences of card fraud for consumers and has provided advice to consumers on this issue through a fact sheet issued under the "It's Your Money" initiative.

Environmental Policy.

182. **Mr. Durkan** asked the Minister for Finance his proposals to offer incentives to encourage road fuel oil conservation; and if he will make a statement on the matter. [13702/05]

183. **Mr. Durkan** asked the Minister for Finance the financial incentives he has to encourage the use of renewable energy in motor vehicles; and if he will make a statement on the matter. [13703/05]

Minister for Finance (Mr. Cowen): I propose to answer Questions Nos. 182 and 183 together.

First, it should be noted that the vehicle registration tax, VRT, structure incentivises the purchase of cars with smaller engines, which generally have lower fuel consumption. As regards specific measures, there is the recent introduction of a pilot scheme for excise relief for biofuels, as provided for by section 50, Finance Act 2004, which is currently being advertised by the Department of Communications, Marine and Natural Resources, and the extension of 50% VRT relief, until end 2006, for hybrid vehicles which have significantly lower fuel consumption and emissions than similar sized petrol cars.

I also provided for an excise differential for sulphur free fuels in the Finance Act 2005, which I expect to commence in July. This measure will have immediate and tangible environmental and health benefits. In addition, there are also a

number of fiscal incentives which promote the use of public transport, including the benefit-in-kind exemption on employer provided commuter tickets and various capital allowances for the development of park and ride facilities in the larger urban areas. In respect of further proposals, I am open minded towards fiscal initiatives that will benefit the environment. However, any proposals will be considered in the context of the forthcoming budgetary process.

Decentralisation Programme.

184. **Mr. Durkan** asked the Minister for Finance the extent to which decentralisation targets set by his Department have been met and the costs involved or anticipated; and if he will make a statement on the matter. [13704/05]

Minister for Finance (Mr. Cowen): The two reports of the decentralisation implementation group, DIG, dated 31 March 2004 and 30 July 2004, provide detailed accounts of the progress made in implementing the decentralisation programme announced in December 2003. An analysis of the applications registered with the central applications facility by 7 September 2004 has also been published. I also refer the Deputy to the presentations made to the Oireachtas Joint Committee on Finance and the Public Service on 6 October 2004 by the chair of the implementation group, the CEO of the Public Appointments Service and the Department of Finance.

In addition, the implementation group prepared two further reports in November 2004 which were approved by the Government and subsequently published. One of these reports identified the organisations/locations which, in the implementation group's view, should be the first to relocate. The second report comprises a procurement methodology and financial assessment of the property element of the programme.

185. **Mr. Durkan** asked the Minister for Finance the Government Departments or parts thereof which have so far been settled under the decentralisation programme; the expected end of year out-turn for the operation; and if he will make a statement on the matter. [13705/05]

Minister for Finance (Mr. Cowen): The decentralisation implementation group was appointed to drive forward the overall implementation of the decentralisation programme. The two reports of the implementation group, dated 31 March 2004 and 30 July 2004, provided detailed accounts of the progress made in implementing the programme.

In addition, the implementation group prepared two further reports in November 2004 which were approved by the Government and subsequently published. One of these reports identified the organisations/locations which, in the implementation group's view, should be the first to relocate. This included details of the indicative construction completion dates in

[Mr. Cowen.]
respect of office accommodation for the early mover organisations.

The OPW has to date agreed 15 property solutions in principle and a further 20 plus locations are at an advanced stage in the acquisition process. Sites for the remaining locations in the programme are being pursued by the OPW. The Public Appointments Service has recently provided Departments with the details of those civil and public servants who have applied to relocate with it. Departments are now arranging for the transfer of staff into each organisation for training purposes.

The central applications facility, CAF, continues to accept applications and will do so for the foreseeable future. I understand that over 650 new applications have been received since 7 September 2004. These 650 are in addition to the over 9,200 people who had applied in advance of the closing date for priority applications on 7 September. The Public Appointments Service has undertaken an intensive operation to liaise with applicants to ensure that their applications are both valid and accurate. I understand that the decentralisation implementation group will report again soon on those locations/organisations not dealt with in its November 2004 report.

Disabled Drivers.

186. **Mr. Durkan** asked the Minister for Finance the progress in regard to his proposals for the implementation of recommendations contained in the report of the interdepartmental study group on the disabled drivers and disabled passengers tax concession regulation 1994; and if he will make a statement on the matter. [13706/05]

Minister for Finance (Mr. Cowen): The disabled drivers and disabled passengers tax concessions scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect from the local health service executive. Where the issue of the required certificate is refused, this can be appealed to the disabled drivers medical board of appeal, an independent body, whose decision is final. The medical criteria for the purposes of the tax concessions under this scheme relate to six different types of disablement and a qualifying person must satisfy one or more of them.

An individual who obtains a primary medical certificate qualifies for remission or repayment of vehicle registration tax, repayment of value added tax, VAT, on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed.

Tax Refunds.

187. **Mr. Stagg** asked the Minister for Finance

the position with a claim for a refund of tax for medical expenses in the name of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13719/05]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that a letter issued to the taxpayer on 25 April 2005 outlining details of the refund due to him. A cheque is issuing on 28 April 2005.

Special Savings Incentive Scheme.

188. **Mr. Ring** asked the Minister for Finance if persons who joined the SSIA scheme in 2001 when they were residing here but who have moved abroad since and are still paying in to a SSIA will receive the same benefits in the scheme at the end of the five year term. [13720/05]

Minister for Finance (Mr. Cowen): The SSIA legislation contained in part 36A of the Taxes Consolidation Act 1997, as inserted by section 33 of the Finance Act 2001, requires *inter alia* that, in order for a saver to get full benefits from his or her SSIA account, he or she must be resident in the State for tax purposes when the SSIA is commenced and, at all times during the term of the SSIA, is either resident or ordinarily resident in the State.

A person is regarded as resident in the State if he or she has spent 183 days in the State in a calendar year or leaves the State early in the year but has spent more than 30 days in the State in that year and between that year and the previous year has spent a total of at least 280 days in the State. A person is deemed to be ordinarily resident in the State for each of the three years after the year in which he or she was last resident in the State. Where the resident/ordinarily resident requirement is satisfied, the saver gets the full benefits of the scheme. Where this requirement is not satisfied, the person is required to close the SSIA and the value of assets in the account is taxed at 23%.

Any person wishing to clarify their resident/ordinarily resident position may contact the Revenue Commissioners' SSIA help line — LoCall: 1890 463626 or 00353 61 48 8000.

Tax Code.

189. **Dr. Cowley** asked the Minister for Finance if he will introduce a special tax incentive scheme due to the loss of approximately 1,000 jobs in north Mayo in the past five years and the lack of economic development in the area; and if he will make a statement on the matter. [13469/05]

Minister for Finance (Mr. Cowen): The Government's taxation policy is designed to maximise the employment and economic benefits of industrial development by creating an attractive climate for investment. In this respect, Ireland offers one of the most beneficial corporate tax environments in the EU with a corporation tax rate of 12.5% applying since 1 January 2003. This

is a general measure which applies across the board to companies located in all areas and regions in the State. As such, it does not conflict with EU state aid rules. A proposal to offer tax incentives to companies in a specific region or specific towns would be state aid and would have to be examined and approved by the EU Commission.

Question No. 190 answered with Question No. 71.

Fisheries Protection.

191. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources the plans he has to introduce legal protection for coarse fish in addition to the protection afforded to the pike species in order to protect stocks of other coarse fish such as bream and tench from destruction by both commercial and non-commercial interests. [13640/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, primary responsibility for the conservation and protection of inland fisheries stocks rests with the central and regional fisheries boards. Earlier this year, I requested the views of each of the central and regional fisheries boards on the issues of prohibiting the taking of all coarse fish and their transfer alive to other waters in their respective regions with a view to determining whether a by-law banning the killing of certain or all coarse fish is necessary. I am awaiting their advice and recommendations.

Landslide Research.

192. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if his Department has plans to provide the Geological Survey of Ireland with additional sponsorship to enable students to research and study slides (details supplied) and to develop a better understanding of the cause, the mechanism and the risk of these slides; and if he will make a statement on the matter. [13666/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Following the occurrence of landslides at Pollatomish, County Mayo, and Derrybrien, County Galway, the Geological Survey of Ireland, GSI, established a national landslides working group in 2004 to collate information and examine the causes of landslides throughout the island of Ireland. The working group draws its members from the State and third level sectors in the Republic and Northern Ireland. It is multidisciplinary and includes expertise on geology, geomorphology, engineering, planning, climatology and geographic information systems.

The working group is building a national database of post-landslide events and it expects to publish its findings later this year. The working

group also facilitates research into landslides, with several postgraduate projects already underway. The GSI is currently undertaking a pilot study of landslide susceptibility mapping in the uplands of Counties Leitrim and Sligo. This mapping could assist in formulating planning guidance for local authorities with regard to landslide hazards and the pilot study will assess its effectiveness under Irish conditions. It is expected that proposals will emerge from the working group for deepened research into the causes of these landslides and their associated risks. I am examining all options to ensure the GSI will develop a full understanding of these phenomena.

Overseas Development Aid.

193. **Mr. O'Connor** asked the Minister for Foreign Affairs the schedule being followed in respect of the proposed White Paper on assistance to third world countries; and if he will make a statement on the matter. [13639/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): At the end of 2004, the Government announced that a White Paper will be published on the future of Ireland's official development assistance programme. This will be the first ever White Paper on the programme and it comes at a time when unprecedented resources are being allocated to development co-operation. At least €1.8 billion of public money will be spent in this area over the next three years and it is important that the public has an opportunity to make its views known about how best to spend it.

As a first step in the preparation of the White Paper, the Department of Foreign Affairs is engaged in a wide ranging process of public consultation. In January of this year, advertisements were placed in the national press seeking written submissions on the future of the programme. The deadline for the receipt of submissions is 30 April but extensions have been granted to those organisations which have sought them.

A series of public meetings has been arranged in different locations around the country and is now under way. The list of meetings currently scheduled is 13 April in Limerick, 27 April in Waterford, 3 May in Athlone, 4 May in Galway, 10 May in Cork, 17 May in Tralee and 24 May in Dublin. This list is not exhaustive. I plan to hold further meetings in September to cover those parts of the country not covered by the meetings currently scheduled. I will attend all of the planned meetings to listen to the views offered and to answer questions as appropriate.

In September, the advisory board to Development Co-operation Ireland will expand its regular development forum to facilitate further consultations on the White Paper. While the organisation of the forum is primarily a matter for the advisory board, it is expected that participants will be drawn from academia, trade unions, business, the media, political parties and the social partners, in addition to the usual attendees from

[Mr. C. Lenihan.]
NGOs, the missionary organisations and my Department.

Views will also be sought from multilateral organisations in Geneva and New York, in particular those UN agencies and bodies with which Ireland has a long standing relationship. We will also be examining the work of other major donors, including our EU partners. At the end of our consultations, my Department will begin the work of analysing in detail the submissions and other information that has been gathered and will consult on an ongoing basis with other Departments. I envisage that a draft of the White Paper will be ready for circulation to Departments early in 2006.

It is expected that the White Paper will be published in the first half of 2006. The White Paper offers an important opportunity to set out clearly the principles which have guided our work to date and also to examine how we can best address the challenges facing us in the future in this most important area of our foreign policy.

Human Rights Issues.

194. **Mr. Carey** asked the Minister for Foreign Affairs if his attention has been drawn to suggestions that a plane chartered by the US Government and carrying prisoners facing torture in other countries, for example, Syria, uses Shannon Airport for landing or refuelling; and if he will make a statement on the matter. [13671/05]

Minister for Foreign Affairs (Mr. D. Ahern): I refer the Deputy to my reply to Parliamentary Questions Nos. 152, 94 and 214 of 2 February 2005, 8 March 2005 and 22 March 2005, respectively, regarding the alleged illegal use of Shannon Airport for the transit of US prisoners.

This matter has been raised in discussions with the US authorities. They have confirmed that they do not use Irish airports for this purpose and that they will not seek to use Irish airports for prisoner transit without seeking the authorisation of the Irish authorities.

Media Censorship.

195. **Mr. Carey** asked the Minister for Foreign Affairs if, during his meetings and contacts with the government of China, he will raise the matter of the recent halting of transmission of the only uncensored news in Mandarin to reach mainland China via a television channel (details supplied); and if he will make a statement on the matter. [13672/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of reports that Eutelsat, a satellite operator headquartered in Paris, had decided not to renew the broadcasting contract of New Tang Dynasty television, which broadcasts to Europe and China. I understand, however, that legal negotiations are currently ongoing between the two parties on the matter and that the New Tang Dynasty television continues to broadcast while

these negotiations continue. The Government fully supports the right to freedom of expression and to an open media. However, given, *inter alia*, that this is a decision taken by a private company, I do not feel that it would be appropriate for me to make any comment on the matter.

Overseas Missions.

196. **Mr. Gormley** asked the Minister for Foreign Affairs the details of Irish involvement in the recently announced EU police mission in Kinshasa; if there are Irish personnel on this mission; if not, if there are plans for Irish involvement; and if he will make a statement on the matter. [13707/05]

Minister for Foreign Affairs (Mr. D. Ahern): The European Union police mission in Kinshasa, known as EUPOL Kinshasa, was established by the External Relations Council in December 2004. The mission is due to be formally launched in Kinshasa later this week at a ceremony to be attended by the Secretary General high representative, Javier Solana, and the EU's special representative to the Great Lakes region, Aldo Ajello.

The EU has already funded the training of an integrated police unit, IPU, in Kinshasa aimed at providing security for the forthcoming elections in the Democratic Republic of Congo, currently scheduled for summer 2005. Ireland contributed €75,000 to support this programme. The first graduates of the training programme are now ready to take up duty. In this context, the EU has launched EUPOL Kinshasa as a mentoring, monitoring and advisory mission to the IPU as it commences its work. The mission is part of an overall EU commitment to support the transition process in the DRC and to help establish effective institutions promoting good governance, justice and the rule of law in that country. Ireland has not deployed personnel to EUPOL Kinshasa, which is a relatively small mission consisting of 35-40 international personnel, and has no plans to do so in the immediate future.

Diplomatic Representation.

197. **Mr. Gormley** asked the Minister for Foreign Affairs the Government's views on the recent elections in Zimbabwe; the extent and nature of Irish diplomatic relations with President Mugabe and his regime; and if he will make a statement on the matter. [13708/05]

Minister for Foreign Affairs (Mr. D. Ahern): I have already outlined in a statement issued on 1 April 2005 the serious concerns of the Government regarding the conduct of the parliamentary elections in Zimbabwe on 31 March 2005. The high percentage of voters turned away because their names did not appear on the electoral register, which is estimated at between 10% and 15%, as well as the apparent use of postal votes in a concerted manner to influence the outcome in certain constituencies, made it difficult to con-

clude that the election could properly be regarded as free and fair.

Information which has become available since the election, including the report of the Irish ambassador who travelled to Zimbabwe to observe the elections, has only served to reinforce the assessment that the elections were not free and fair. An EU declaration to this effect was issued on 5 April. To date, none of those countries or organisations invited by the Zimbabwean Government to send external observers, including South Africa, the African Union and the SADC, Southern African Development Community, has been able to make an unambiguous pronouncement that the elections were free and fair. The principal opposition party, the Movement for Democratic Change, MDC, has drawn attention to major irregularities and discrepancies between the initial and final estimates of votes cast in certain constituencies. It has announced that it will challenge certain of these results in court.

Ireland, in its diplomatic relations, recognises states rather than governments. The Irish ambassador to South Africa is also accredited to Zimbabwe. He and members of his diplomatic staff pay regular visits there, including for the purposes of meeting with members of the Irish community as well as the Zimbabwean authorities and a wide range of political, religious and humanitarian contacts. I already informed the Dáil on 24 March of my intention to appoint an honorary consul general in Zimbabwe to improve the level of consular service which we provide to our nationals in Zimbabwe.

International Agreements.

198. **Mr. Gormley** asked the Minister for Foreign Affairs the levels of success to date with international ratification of the Rome Statute; if he will report on Ireland's work in this regard and on general progression towards international agreement on the International Criminal Court; and if he will make a statement on the matter. [13709/05]

Minister for Foreign Affairs (Mr. D. Ahern): A total of 139 states have signed the Rome Statute of the International Criminal Court. To date, 98 states have become parties to the statute. Together with our partners in the European Union, Ireland has been a consistent and strong supporter of the ICC, recognising it as an essential means of combating impunity for the most serious crimes of concern to the international community. This position has been recognised in the EU common position of 2001, amended in 2002, and comprehensively updated in June 2003.

The 2003 common position commits the Union and its member states to support the effective functioning of the court and to advance universal support for it by promoting the widest possible participation in the Rome Statute. In February 2004, a detailed action plan on the implementation of the 2003 common position was adopted

under the auspices of the Irish Presidency of the European Union. During its EU Presidency, Ireland took a very active role in implementing the action plan, including raising it in EU political dialogue with third countries by making *démarches* encouraging support for the court in various capitals and in liaising with the court itself.

In addition, the EU and its member states have been generous supporters of initiatives to promote the court in third states, as well as to strengthen the capacity of states to co-operate with the court. In this context, during its EU Presidency, Ireland organised an ICC event for representatives of small island developing states in New York and co-sponsored an international conference on human rights and the ICC in Sana'a, Yemen. Ireland also provided funds towards a conference entitled "The ICC and the Arab World" which took place in Jordan in February 2005 and it is intended to provide funding to other such initiatives in support of the court in the course of this year. I assure Deputies of Ireland's continued interest in and support for the court as an essential means of combating impunity for genocide, crimes against humanity and war crimes.

199. **Mr. Gormley** asked the Minister for Foreign Affairs the level of implementation of the provisions of the biological and toxins weapons convention; and if he will make a statement on the matter. [13710/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, often referred to as the biological and toxin weapons convention, BTWC, was opened for signature on 10 April 1972 and entered into force on 26 March 1975. Ireland is a state party to the convention.

Ireland has legislation currently in place that regulates the use of biological materials in conformity with the provisions of the convention. This legislation includes the Control of Exports Act 1983, the Control of Exports Order 2000, the Importation of Pathogenic Agents Order 1997 and the Safety, Health and Welfare at Work (Biological Agents) Regulations 1994, as amended in 1998. In addition, the export of biological toxins is covered by European Community dual-use export legislation and domestic law which controls the export of military goods.

The issue of national implementation of the BTWC forms part of the current BTWC programme of work, which will conclude at the 2006 review conference of the BTWC. It was decided at the 2003 meeting of state parties that state parties should, where necessary, enact or update national legal measures.

In line with this programme of work, this Department has recently examined whether the existing legislation has the effect of satisfying all

[Mr. D. Ahern.] requirements of the convention. Our conclusion is that some further legislative action may be required to fully meet the provisions of Article IV of the convention, which requires states parties of the convention to take “any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere”. Consultations with the relevant Departments have been initiated with a view to identifying the appropriate Department to sponsor such legislation.

Sports Capital Programme.

200. **Mr. Deenihan** asked the Minister for Arts, Sport and Tourism when payment of a grant, under the sports capital programme, will be made to a club (details supplied) in County Kerry; and if he will make a statement on the matter. [13536/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

The club in question was allocated a grant of €90,000 under the 2004 sports capital programme. A payment of €85,500, representing 95% of the grant, was issued to the club earlier this month. The remaining 5% of the grant, in this case €4,500, will be paid on completion of the defects liability period for the project in line with standard procedure for the programme.

201. **Dr. Cowley** asked the Minister for Arts, Sport and Tourism the position regarding an application (details supplied); if his attention has been drawn to the amount of work carried out to date by this community in association with his Department; when funding will be forthcoming to enable this community to plan the completion of the project; and if he will make a statement on the matter. [13669/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the

programme’s assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

202. **Dr. Cowley** asked the Minister for Arts, Sport and Tourism the position regarding an application (details supplied); and if he will make a statement on the matter. [13670/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme’s assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Swimming Pool Projects.

203. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism when the arrangements for the provision of a swimming pool proposed for north Kildare are likely to be concluded; and if he will make a statement on the matter. [13695/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): Kildare County Council applied for grant aid under the local authority swimming pool programme towards the cost of replacing the swimming pool in Naas. I am pleased to say that I recently approved the contract documents for this project and this approval allows the council to seek tenders for the work proposed. The project will be considered further when the tender documentation is received.

There are four principal stages in the grant process — feasibility study-preliminary report, contract documents, tender approval and construction — and specific ministerial approval is required before a project can move from one stage to the next. Grant aid is allocated only when tenders have been approved for the project and the amount is capped at the time of allocation.

Under the pool programme, the maximum grant available is €3.8 million, which is available towards either the refurbishment of existing pools or the provision of new pools, subject in both cases to the total grant not exceeding 80% of the eligible cost of the project or, in the case of projects located in disadvantaged areas, 90% of the eligible cost.

Work Permits.

204. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment the number of work permits which have been issued to non-nationals employed by a company (details supplied) in County Galway; the type of permits issued; and when they were issued. [13630/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Currently this employer holds one work permit issued by my Department. This permit is valid for one year from 7 March 2005.

205. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment the number of work permits which have been issued to non-nationals employed by a company (details supplied) in County Limerick; the type of permits issued; and when they were issued. [13631/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Currently the employer about whom the Deputy asks is not the holder of any work permits.

Social Welfare Code.

206. **Ms Burton** asked the Minister for Social and Family Affairs the examination verification process which was used in approving 1,416 exemptions from PRSI for employees of a company (details supplied); the regulatory or legal basis of the exemptions granted; the person who signed off the exemptions; if they were subject to review; the examination and verification which was carried out of social welfare payments in the employees' home country; the employers' contributions which were made in the employees' home country; and if he will make a statement on the matter. [13613/05]

Minister for Social and Family Affairs (Mr. Brennan): The regulatory basis for granting PRSI exemptions is contained in Article 97 of SI No. 312/1996. Similar provisions apply in respect of posted workers under EU Regulation 1408/71 and various bilateral agreements. These exemptions are granted for a period not exceeding 52 weeks and are subject, *inter alia*, to the employees having valid work permits.

All applications for exemption certificates made by this company were examined to ensure the various qualifying conditions were met. The exemption certificates were processed by a number of officials in my Department and the certificates were not subject to review.

Before exemption certificates were issued a declaration was obtained from the company in question that the employees continued to be subject to social insurance in their home country. Confirmation that these payments were being made has been requested from the relevant social insurance authority. The rate of social insurance payable by an employer in that country is 14%.

Social Welfare Benefits.

207. **Mr. McGuinness** asked the Minister for Social and Family Affairs the cost in 2005 of raising the disability allowance to the level of the contributory old age pension. [13617/05]

Minister for Social and Family Affairs (Mr. Brennan): The full year cost of increasing the disability allowance to the level of the contributory old age pension in 2005 would be of the order of €136 million. Further increases will be examined in the context of budget 2006.

208. **Mr. McGuinness** asked the Minister for Social and Family Affairs if he will consider raising the old age contributory pension to 34% of average industrial earnings; and the cost of such a measure in 2005. [13618/05]

Minister for Social and Family Affairs (Mr. Brennan): The 34% rate derives from the national pensions policy initiative published by the Pensions Board in 1998. The board proposed a rate of 34% of gross average industrial earnings for contributory pensions based on average earnings for the previous year. On that basis, the current rate of pension is equivalent to almost 32%.

The rate of old age pension has increased substantially since this Government took office. The programme for Government contains a commitment to increase the basic state pension to €200 by 2007 and further progress will be made in the 2006-07 period. The maximum rate of contributory old age pension now stands at €179.30. The cost of increasing the personal rate of old age contributory and retirement pensions to 34% of average industrial earnings in 2005 is estimated to be €108 million.

209. **Mr. McGuinness** asked the Minister for Social and Family Affairs his plans for extending the respite care grant; if he will consider extending it to all carers; the likely cost of such an initiative; and if he will make a statement on the matter. [13619/05]

211. **Mr. McGuinness** asked the Minister for Social and Family Affairs if he will consider modifying the special welfare code in order that those already receiving other benefits and allowances be able to claim the carer's allowance at a half rate; and if he will make a statement on the matter. [13622/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 209 and 211 together.

The primary objective of the social welfare system is to provide income support and, as a general rule, only one weekly social welfare payment is payable to an individual. This ensures that resources are not used to make two income support payments to any one person. Of course, persons qualifying for two social welfare pay-

[Mr. Brennan.]

ments always receive the higher payment to which they are entitled. Any changes would involve additional expenditure which could only be considered in a budgetary context.

A number of improvements for carers were announced in the last budget which will benefit existing recipients of carer's payments and will extend supports to carers who have not previously been eligible for carer's payments.

Provision was made in budget 2005 for the extension of the respite care grant to all carers who are providing full-time care to a person who needs such care from June 2005. The extension will include carers who are providing full-time care and who are in receipt of a social welfare payment — for example, widow's pensions, old age pensions, one parent family payment, disability benefit and invalidity pension — and those who are not currently receiving a weekly social welfare payment from my Department. The amount of the grant will increase from €835 to €1,000, also in June 2005.

Provision has also been made to pay a grant in respect of each care recipient. This will benefit those who provide care for three or more people. It is estimated that the improvements in the conditions applying to the respite care grant will result in an additional 9,200 full-time carers receiving the grant for the first time giving an estimated total of almost 33,000 full-time carers receiving the respite care grant of €1,000 in June this year. The cost of these improvements in the respite care grant will be over €13.5 million.

The grant will be payable from 2 June. From early May, application forms and information leaflets will be available throughout my Department's network of local offices and will also be available from citizens' information centres. They may also be requested by phone from my Department freephone help line 1800 690 590 from 27 April 2005 to 11 May 2005 or by downloading them from my Department's website, www.welfare.ie.

An extensive publicity campaign is planned to start this week and will include advertisements in both provincial and national newspapers as well as posters in various centres and offices. Officials of my Department have already briefed representatives of carers' organisations about the scheme. These organisations will in turn be providing information to their members.

My Department is setting up a special section to deal with this scheme. Arrangements are being put in place to ensure applications are processed efficiently and in a timely manner. As part of these arrangements a post office box number will be assigned to the scheme for easy processing of applications.

Social Welfare Allowances.

210. **Mr. McGuinness** asked the Minister for Social and Family Affairs if he will consider introducing a waste allowance to accommodate those who, owing to the fact that their waste is collected by a private firm, are unable to avail of the waivers they would be entitled to if they lived in local authority areas in which waste collection has not been privatised. [13621/05]

Minister for Social and Family Affairs (Mr. Brennan): The setting of waste management charges and the introduction of waivers in respect of waste charges is, as stated by my colleague, the Minister for the Environment, Heritage and Local Government, a matter for each local authority.

The introduction of a national social welfare scheme to address the issue is not considered feasible given the wide range of charging regimes and cost levels that exist in respect of waste management throughout the State. Any system put in place to assist people who rely on private domestic waste collection would have to take account of different local circumstances and it is a matter for the local authorities concerned to ensure that any necessary arrangements are in place locally to avoid hardship for people on social welfare payments and others on low incomes.

Question No. 211 answered with Question No. 209.

Social Welfare Benefits.

212. **Mr. McGuinness** asked the Minister for Social and Family Affairs the cost in 2005 of standardising the child dependant allowance for all children. [13623/05]

Minister for Social and Family Affairs (Mr. Brennan): There are currently three different weekly rates of child dependant allowances payable to social welfare recipients, €16.80, €19.30 and €21.60. To standardise the three main rates of allowances at the highest rate of €21.60 would mean that approximately 243,000 full rate payments and 93,000 half rate payments would be increased at a cost of approximately of €59 million annually.

The policy direction followed by successive Governments has been to concentrate resources for child income support on the child benefit scheme rather than child dependant allowances, as the loss of child dependant allowances by social welfare recipients on taking up employment can act as a disincentive to availing of work opportunities.

Child benefit is neutral *vis-à-vis* the employment status of the parents and consequently does not contribute to such potential poverty traps. The Government's commitment in this regard is

reflected in the very substantial resources invested in the child benefit scheme since entering office, including the increases announced in budget 2005, which come into effect from April this year. These increases will bring the monthly rate of child benefit to €141.60 in respect of each of the first two children and €177.30 for third and subsequent children.

In the partnership agreement Sustaining Progress, the importance of child income support arrangements, including child dependant allowances, is recognised with a commitment to examine the effectiveness of current arrangements in ending child poverty. The question of further rationalisation of child dependant allowance will be a matter for consideration in a budgetary context and in the context of priorities generally.

Social Welfare Code.

213. **Mr. McGuinness** asked the Minister for Social and Family Affairs his plans for the extension of the free travel pass for pensioners to cover the entire island; the likely cost to the Exchequer; and if he will make a statement on the matter. [13624/05]

Minister for Social and Family Affairs (Mr. Brennan): Special cross-Border arrangements have been in place since 1995 which allow southern and northern free travel pass holders to undertake point to point cross-Border journeys free of charge.

The introduction of free travel on an all-Ireland basis would enhance these existing arrangements by enabling southern pass holders to make free journeys within the North. Similarly, Northern Ireland pass holders would be able to make internal journeys within the South free of charge to them. It is estimated that such a scheme would cost in the region of €2.5 million.

The programme for Government contains a commitment to introduce a system of all-Ireland free travel for pensioners and other eligible social welfare customer categories. However, there are a number of technical and financial issues to be resolved in order to implement an enhanced all-Ireland free travel system. These issues require discussion and agreement between my Department and the Northern Ireland Department with responsibility for transport policy, as well as the relevant northern and southern transport operators.

In September 2004, my predecessor met with the Minister of State at the Department for Regional Development in Northern Ireland to explore the potential for further co-operation between the two Departments on the proposal. They discussed the options and scope for co-funding the scheme and considered other relevant issues. I have followed up on that contact and I am continuing to examine the steps that need to be taken to proceed with the introduction of a

scheme of free travel on an all-Ireland basis for pensioners and other eligible people.

Social Welfare Benefits.

214. **Mr. Wall** asked the Minister for Social and Family Affairs the methodology of calculating rent subsidy as determined by community welfare officers in regard to areas of County Kildare; the credence which is given to proximity to Dublin in regard to rented accommodation; and if he will make a statement on the matter. [13714/05]

215. **Mr. Wall** asked the Minister for Social and Family Affairs the number of persons in receipt of rent subsidy in County Kildare; the total cost of such subsidy; and if he will make a statement on the matter. [13715/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 214 and 215 together.

Rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. To qualify for a rent supplement an eligible person must satisfy a means test. Rent supplements are normally calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution, currently €13, which a recipient is required to pay from his or her own resources.

In determining entitlement to a rent supplement the Health Service Executive must also satisfy itself that an eligible person has a genuine accommodation need, which he or she cannot provide for from an alternative source, that the property being rented is suitable to his or her needs and that a *bona fide* tenancy exists between the applicant and his or her landlord. A further condition for receipt of rent supplement relates to limits on the level of rent an applicant can incur. The purpose of these rent limits is to ensure that the executive is not subsidising the cost of overly large or expensive accommodation.

The maximum levels of rent supported under the scheme for the period to 30 June 2005 are prescribed in regulations made under the Social Welfare Acts, Statutory Instrument No. 727 of 2003. These statutory rent limits differ across the various executive geographic areas to ensure that the rent being sought is reasonable and reflects local market conditions. In this regard, the limits that apply in Kildare are the same as those in Dublin.

Within each area, varying limits are specified also according to household composition, with scope for any special or exceptional circumstances of an applicant to be taken into consider-

[Mr. Brennan.]

ation by the executive in determining the amount of rent supplement payable in a particular case.

As of 22 April 2005 there are 2,345 rent supplements in payment in the Kildare-west Wicklow area of the executive at a cost of approximately €4.77 million to date in 2005.

216. **Mr. Wall** asked the Minister for Social and Family Affairs the position regarding rent subsidy arrears due to his Department from a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13716/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive.

The Dublin and mid-Leinster area of the executive has advised that during a routine review of this rent supplement case, it came to the attention of the executive that the person in question had been in receipt of a maintenance payment. This had not previously been disclosed to the executive. The non-disclosure of this income has given rise to an overpayment of rent supplement. The executive has written to the person concerned confirming her revised entitlement and the level of the overpayment involved. She has been asked to contact her community welfare officer with a view to agreeing a repayment schedule to address the overpayment.

217. **Mr. Wall** asked the Minister for Social and Family Affairs the position regarding rent subsidy for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [13717/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive.

The Dublin and mid-Leinster area of the executive has advised that the level of rent being paid in this particular case is within the prescribed rent limits. The issue in this case arose when it came to the attention of the executive that the person in question had been in receipt of a maintenance payment, a fact not previously disclosed to the executive. The non-disclosure of this income has given rise to an overpayment of rent supplement. The amount of rent supplement payable has been reduced to take account of the increased household income and also incorporates a deduction of €5 per week in respect of the outstanding overpayment.

State Airports.

218. **Ms Shortall** asked the Minister for Transport, further to Question No. 254 of 20 April 2005, the reason he did not provide details of the studies or reports which will inform his decision on the optimal location for a second terminal at Dublin Airport as requested; and if he will provide that information and make the studies available in the Oireachtas Library. [13632/05]

Minister for Transport (Mr. Cullen): The proposals to which I referred in my earlier reply of 20 April 2005 are concerned not with any particular location but rather the most appropriate mechanisms for providing further terminal capacity at Dublin Airport. Once the Government makes a decision on this matter, the detailed planning and implementation process will address the issue of the location and all other relevant operational factors, both airside and landside, at the airport.

Speed Limits.

219. **Mr. Connaughton** asked the Minister for Transport when the guidelines for the erection of speed limits outside rural national schools will be published; if his attention has been drawn to the problems confronting the pupils, staff and parents of a school (details supplied) in County Galway, that this school is situated on the busy N63, that the school playground is situated on the opposite side of the road and that if this school is to use the school warden system, the speed limit approaching the school from both sides will have to be reduced considerably; and if he will make a statement on the matter. [13633/05]

Minister for Transport (Mr. Cullen): Since the passage of the Road Traffic Act 1994 the power to apply special speed limits has been vested in the elected members of county and city councils through the making of special speed limit by-laws.

On 18 April 2005, I issued Guidelines on the Application of Special Speed Limits to the county and city managers. Copies of the document have been placed in the Oireachtas Library and the guidelines are also available on my Department's website www.transport.ie under roads/publications.

The decision as to whether or not to deploy a school warden service at any particular location is also a matter that falls to be determined by the local authority.

Scéimeanna Bóithre.

220. **D'fhiafraigh Mr. Kenny** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad é an dul chun cinn atá déanta maidir le hiarratas faoi Scéim na mBóithre Áise (sonraí tugtha), an bhfuil an t-iarratas scrúdaithe ag an Roinn; cé mhéid airgid atá i gceist chun feabhas a chur ar an mbóthar seo; agus an ndéanfaidh sé ráiteas ina thaobh. [13521/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Faoi mar a chuir mé in iúl don Teachta mar fhreagra ar Cheist Uimh 353 den 17 Samhain 2004, scrúdaigh oifigeach ó mo Roinnse an t-iarratas seo ar 4 Samhain 2004.

Bheadh ord tosaíochta íseal ag an gcás seo faoi chritéir Scéim Bhóithre Áise mo Roinne-se. I gcomhthéacs an airgid theoranta a bhíonn ar fáil faoin Scéim seo agus an t-ord tosaíochta íseal atá ag an mbóthar féin, níl i gceist deontas a cheadú ina leith faoi Chlár Oibre 2005.

Ní iarrtar meastacháin chostais ón Údarás Áit-úil ach i gcás na n-iarratas a bhíonn mar chuid den Chlár Oibre reatha agus, dá bharr sin, níl meastachán faighte i leith an cháis atá faoi chaibidil ag an Teachta.

Rural Social Scheme.

221. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs the reason an application under the rural social scheme by a person (details supplied) in County Galway was not successful; if his attention has been drawn to the fact that the applicant has a herd number and appears to be otherwise eligible; and if he will make a statement on the matter. [13673/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): To be eligible to participate in the rural social scheme a person must be in receipt of: farm assist; or have been allocated a valid herd or flock number from the Department of Agriculture and Food and be in receipt of unemployment assistance or unemployment benefit, if previously on a community employment scheme or disability allowance; or be a self employed fisherman whose fishing boat has been entered in the Register of Fishing Boats or have been issued with a fishing licence for fishing for salmon at sea from the Department of Communications, Marine and Natural Resources and be in receipt of unemployment assistance or unemployment benefit, if previously on a community employment scheme or disability allowance.

I understand that at the time of application last July the person concerned was in receipt of disability benefit and was, therefore, not eligible to participate on the rural social scheme.

Disadvantaged Areas Scheme.

222. **Mr. Naughten** asked the Minister for Agriculture and Food the action she is taking to protect the disadvantaged areas here which are under threat from the current EU review; and if she will make a statement on the matter. [13535/05]

Minister for Agriculture and Food (Mary Coughlan): The EU Commission's proposal for the post-2006 rural development framework provides for the reclassification of disadvantaged

areas. It responds to the European Court of Auditors' criticism, endorsed by the European Parliament, about the current system. The suggested new methodology would be based on natural conditions, notably soil and climatic factors. The socioeconomic criteria that were taken into account to designate the current eligible areas would no longer apply.

At meetings of the Council of Ministers, I have stressed that this is an extremely important and sensitive issue. Other member states have adopted a similar position. I will continue to seek a solution that is equitable and in Ireland's interests. As this stage, I cannot be definitive as to the shape of that solution since negotiations are still in progress.

Disease Eradication Schemes.

223. **Mr. M. Higgins** asked the Minister for Agriculture and Food if representatives from her Department have, in the past, placed snares or other traps in Coillte's Kilcoraun Wood in Clarinbridge, County Galway, as part of the tuberculosis eradication scheme. [13537/05]

Minister for Agriculture and Food (Mary Coughlan): In May 2004, farm relief service operatives under supervision of my Department and licensed by the Department of the Environment, Heritage and Local Government placed some restraints in this area as part of the tuberculosis eradication scheme. Some of the restraints that were placed in Kilcoraun Wood went missing and would appear to have been stolen. The matter of the stolen restraints was referred to the Garda authorities. No further restraints have been placed in this area since May 2004.

Farm Inspections.

224. **Mr. P. Breen** asked the Minister for Agriculture and Food her views on whether she is in breach of health and safety regulations by sending officers of her Department on unannounced farm inspections; and if she will make a statement on the matter. [13574/05]

Minister for Agriculture and Food (Mary Coughlan): Unannounced inspections are a requirement under a number of schemes operated by my Department. I do not consider it to be in breach of health and safety regulations by having such inspections carried out by suitably trained officers.

Grant Payments.

225. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has received such a low single payment entitlement; if her attention has been drawn to the fact that this person lost their entire herd in 1982 through brucellosis and that they had to purchase almost 40,000 of their

[Mr. Connaughton.]
42,000 gallon quota; and if she will make a statement on the matter. [13611/05]

Minister for Agriculture and Food (Mary Coughlan): A provisional statement of entitlements issued to the person named on 22 November 2004. This statement did not reflect the value of payments made to the person named under the new dairy premium scheme, which was introduced in 2004. This scheme will be decoupled in 2005. The single payment entitlements for those farmers who qualify for the decoupled dairy premium will be adjusted later in 2005 to reflect the value of the decoupled dairy premium.

Question No. 226 withdrawn.

Prison Staff.

227. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the cost to the State of escorting prisoners to courts for appearances; the proportion of man hours for this purpose which are paid at overtime rates; his proposals to reschedule the hearing of these cases or to reschedule the rosters of staff used in order to reduce the reliance on overtime, overnights and so on; and if he will make a statement on the matter. [13522/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that, following on the rejection by prisons staff of the proposal for organisational change in the Prison Service, I have decided to proceed with a range of measures consistent with the Government decision of November 2003, including the early enactment of legislation to privatise the prisoner escort service and parallel arrangements for tenders for privatisation of prisoner escorts. Initial arrangements in relation to the tendering process are already underway. A prior indicative notice, PIN, is being submitted today for publication in the EU Journal.

Given the commercial sensitivity of the information sought by the Deputy, in the light of my decision to privatise prisoner escorts, it would be inappropriate for me to publish such information at this time. However, I can assure the Deputy that the privatisation of escorts will result in a significant reduction in overtime and in predictability and stability of the delivery of services to prisoners.

A review of staffing arrangements in order to reduce reliance on overtime is also underway on a prison by prison basis with a view to ensuring adherence to current overtime budgetary limits.

Registration of Title.

228. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he has been notified

by the Land Registry Office that there has been a change to the Land Registry rules or section 105 (1) of the Registration of Title Act 1964, enabling the Land Registry office to change a long established procedure; if his attention has been drawn to the fact that by cancelling the land certificate in such a way without the permission of the registered owner or the person who is entitled to obtain a land certificate as evidence of their ownership, such a person incurs a charge of €25; if he has obtained legal advice in respect of these changes; and if he will make a statement on the matter. [13527/05]

229. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the authority or the legislative provision by which the Land Registry office is claiming authority not to re-issue a land certificate which already has issued in a case in which new ownership has been effected; if his attention has been drawn to the fact that persons such as the owners have not been consulted in this matter; and if he will make a statement on the matter. [13528/05]

230. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a decision has been made by agreement or consultation between interested parties with the Land Registry office that after the registration of a new ownership, if a land certificate in respect of same has already issued, it will not be re-issued in respect of the new ownership, that it will instead be cancelled and that this applies to all applications for registration of transfers or transmissions on death lodged on or after 1 September 2004; if he has satisfied himself with this process; and if he will make a statement on the matter. [13529/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 228 to 230, inclusive, together.

I am informed by the Registrar of Titles that section 105(1) of the Registration of Title Act 1964 provides that a land certificate, once issued, shall be produced on the registration of any subsequent transaction and “shall be either cancelled or so altered as to be brought into conformity with the register”. The practice of the Land Registry, prior to September 2004, had been to adopt the latter course. However, in order to respond to changing circumstances and following a process of consultation, it was decided by the Registrar of Titles that, from September 2004, the former option would be adopted where there was a change of ownership, that is, when a title ended so too did the certificate of that title.

The background to this change in approach was a growing awareness on the part of the Land Registry and its customers that the practical requirements for safe storage of land certificates and the continuous handling and processing of

them had become something of an anachronism. This has become particularly clear as moves towards electronic conveyancing gather pace. The list of advertisements in the Law Society Gazette every month relating to lost land certificates reveals the scale of the problem, which is a time consuming and expensive burden on solicitors, the Land Registry and ultimately on the general public.

For some time, the Land Registry has been involved in an ongoing process of discussion with representatives of the conveyancing committee of the Law Society, the Irish Mortgage Council and other customer representatives and since the introduction of the integrated title registration information system, ITRIS, and the electronic access service, EAS. In 1999, the Land Registry, in conjunction with local bar associations, hosted a large number of seminars and information sessions for practitioners around the country. I understand that at virtually all of these seminars the subject of land certificates and the attendant difficulties were discussed and a variety of views expressed. All views were taken on board and a discussion document was prepared by the Land Registry which was circulated to the representative groups.

This document identified a number of options for consideration as part of the consultative process. These included, (a) complete abolition of land certificates; (b) a change in format of the land certificate and (c) cancellation of the certificate on change of ownership. Having taken on board all of the views expressed, and as options (a) and (b) would have required either legislative change or rule change, it was felt by the Registrar of Titles that option (c) represented the best way forward at this point. I understand that it was unanimously agreed by all parties in the consultative process that the practice of re-issuing land certificates following a change of ownership would cease, that is, when a title ended so too did the certificate of the ownership of that title. The right of a subsequent owner to apply for a certificate in respect of the new ownership, should they so decide, still exists.

Notification of this agreed change of practice was published in the form of advertisements in the Law Society Gazette in July 2004 by the Land Registry, the Law Society conveyancing committee and the Irish Mortgage Council. I am further informed that this was also communicated by post to all solicitors' practices and was published on the Land Registry's website.

Garda Deployment.

231. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform his views on whether it is reasonable that the Carraig na bhFear and Whitechurch areas of County Cork are still being policed by the gardaí from the Cobh district; and

if, in view of this unsatisfactory situation, he will review the existing division boundaries in the greater Cork area. [13567/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to my reply to Question No. 756 on Tuesday, 12 April 2005, in the above regard.

Citizenship Applications.

232. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Questions Nos. 222 of 23 February 2005 and 252 of 23 March 2005, the position with an application for Irish citizenship by a person (details supplied) in County Carlow; if it will be granted as a matter of urgency; and if he will make a statement on the matter. [13568/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The declaration in question was examined recently by my officials and was found to have been lodged in accordance with the statutory provisions set out in the Irish Nationality and Citizenship Act. The person concerned has been informed of this in writing and has been requested to pay the statutory fee.

A certificate confirming that the person concerned is an Irish citizen will issue as soon as possible after receipt of fee.

Registration of Title.

233. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform if his Department will complete a dealing for a person (details supplied) in County Leitrim. [13606/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is in application under section 49, that is, acquisition of title by virtue of long possession, under the Registration of Title Act 1964, which was lodged on 15 April 2005. Dealing number D2005WS004987A refers.

I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage. However, I can assure the Deputy that this application is receiving attention in the Land Registry and will be completed as soon as possible.

Visa Applications.

234. **Caoimhghín Ó Caoláin** asked the Minister for Justice, Equality and Law Reform when a decision will issue in the visa application of a person (details supplied). [13641/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was for the purposes of allowing a

[Mr. McDowell.]

non-EEA national travel to the State to take up employment.

I can inform the Deputy that this application was refused by my Department on 25 April 2005. The applicant will be notified of this decision as soon as possible. The application was refused because the visa officer examining the case identified a number of shortcomings in the application. Specifically, he was not satisfied with the quality of the applicant's qualification certificate. Additionally, it was noted that the applicant had furnished a letter from his previous employer, which included dates of employment. However, the dates shown in the letter were inconsistent with the dates given by the applicant when interviewed in the Irish Embassy in his country of origin in October 2004.

Finally, the visa officer was unable to establish, based on the information supplied in support of the application, that the applicant would necessarily observe the conditions of the visa applied for. As with all visa applications, the onus is at all times on the applicant to satisfy my Department that it would be appropriate to issue a visa — in this case the applicant failed to do so. It is open to the applicant to submit an appeal, within two months of the date of receipt of his decision letter, in respect of this refusal.

Citizenship Applications.

235. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform the mechanism used to allow foreign spouses of Irish nationals who enter Ireland under visitor's visas, having been married in a foreign country, to remain here once a visitor's visa has expired; and if he will make a statement on the matter. [13711/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume the Deputy is referring to non-EEA spouses of Irish nationals. Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. Neither does it grant an automatic right to Irish citizenship following the coming into force of the Immigration and Citizenship Act 2001 which abolished the previous system of post-nuptial citizenship.

A citizen of a visa required country is obliged to have a valid Irish visa on each occasion they arrive at the frontiers of the State. There is no exemption to this requirement for non-national spouses of Irish citizens. A person on a visitor's visa has no entitlement to have such visa extended. The non-national spouse may make a written application to the immigration division of my Department for permission to remain in the State on that basis. Applications of this type are dealt with in chronological order and currently take approximately 16 months to process.

“Convenience” marriages for the purpose of circumventing normal immigration controls are experienced by immigration jurisdictions worldwide and, in this regard, holiday and Internet romances would feature frequently. In order to prevent abuses of the system, in so far as is possible and without unduly interfering with the Irish citizen's private circumstances, the immigration division will seek to establish various matters when considering either visa applications or applications to remain on the grounds of marriage to an Irish national. These include the context in which the marriage took place, the evident relationship history that existed prior to the marriage, the validity of the marriage, whether the couple are residing in a family unit and the means of support of the non-EEA national spouse whilst in the State. This may involve requesting supporting documentation as evidence of the relationship or an interview by the immigration authorities of either or both parties.

Prison Accommodation.

236. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform his plans for the future of Spike Island prison in Cork Harbour; and if he will make a statement on the matter. [13712/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As a result of the rejection by the members of the Prisoner Officers Association of the proposal for organisational change in the Prison Service, I have instructed the director general of the Prison Service to immediately close the current facilities on Spike Island and at the Curragh.

The Deputy will be aware that, following on the Government decision of November 2003, these facilities were mothballed. The majority of the staff from both institutions were transferred to other prisons on a temporary basis while a small number of staff remained to provide security and essential maintenance. Arrangements are now in train to effect the transfer of all of the staff in question to other prisons on a permanent basis to further reduce overtime expenditure.

Officials from the Irish Prison Service, in conjunction with the Office of Public Works and professional advisers, are developing proposals for the construction of a new prison complex on Spike Island to replace the existing Cork prison. The new facility will address the overcrowding and inadequate facilities associated with Cork prison and will, in addition, offer significant improvements in the areas of work training, education and medical services as well as providing predominantly single cell accommodation with in-cell sanitation facilities.

Visa Applications.

237. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if a visa will be given

in respect of a subsequent employer in respect of a person (details supplied); and if he will make a statement on the matter. [13713/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It appears both from the details supplied by the Deputy and from records held by my Department that the person referred to is currently in the State. Consequently, on foot of the information available, the issue of a visa does not appear to arise.

However, if the Deputy is referring to an extension of leave to remain in the State, the person in question should contact the Garda national immigration bureau. If, on the other hand, the issue relates to an application for an employment permit, he should contact the Department of Enterprise, Trade and Employment.

238. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was refused a visa to travel to Germany for ten days as part of a youth exchange project; and if he will make a statement on the matter. [13728/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was for a re-entry visa to allow a non-EEA national, illegally resident in the State, to leave and subsequently re-enter the State.

I am informed that the parents of the person in question arrived in the State illegally, in 1999, and subsequently claimed asylum. They later obtained permission to remain on the basis of their parentage of an Irish born child. However, the applicant referred to by the Deputy was not with them when they arrived in the State. He was in fact definitively listed on his parents' application as having remained in their country of origin.

It would appear that the applicant subsequently arrived in the State illegally. Although his parents have a legal basis for being in the State due to their parentage of an Irish born child, this does not extend to the applicant. Consequently, he remains an illegal immigrant with no status within the visa system. A re-entry visa, by its very nature, can only be issued to a person who first holds a valid visa for entry into the State. My Department has no record of any previous applications for this person. Therefore, there was no provision to grant the re-entry visa applied for. Consequently, the application was refused on the grounds of the applicant's immigration history.

Schools Building Projects.

239. **Mr. Ó Fearghail** asked the Minister for Education and Science if it is envisaged that the proposed new community school for Kildare town will be delivered by way of a public private

partnership; and if she will make a statement on the matter. [13531/05]

Minister for Education and Science (Ms Hanafin): My colleague, the Minister for Finance, provided a capital envelope of €555 million in respect of education PPPs for the period 2005 to 2008. My officials are currently examining how this may be best utilised.

A number of issues will have to be determined before I make a decision on the allocation of these funds. These include the type of PPP model to be used, the level of operation and service to be included in any new programme, how the projects should be bundled to provide the most cost effective procurement and the size and geographical spread of the bundles. Only new building projects on greenfield sites that have been prioritised using the criteria agreed with the education partners and published by my Department are likely to be considered under the Department's PPP programme. I will be announcing the programme in the near future.

School Accommodation.

240. **Mr. Deenihan** asked the Minister for Education and Science if she will approve extra accommodation for the autism unit at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [13538/05]

Minister for Education and Science (Ms Hanafin): An application for additional accommodation for an autism unit has recently been received in my Department from the school referred to by the Deputy. This application is being examined and a response will issue to the school authority as soon as possible.

School Transport.

241. **Mr. Ring** asked the Minister for Education and Science if the cost of an extension to a school bus service will be provided for a person (details supplied) in County Mayo. [13643/05]

Minister for Education and Science (Ms Hanafin): The pupil referred to in the details supplied resides 4.8 km from the school in question, and 1.4 km from the bus route serving the school. The pupil's family requested an extension of the school bus service. An extension may be approved on payment by the family of the cost involved. Bus Éireann, which administers the school transport scheme on behalf of my Department, has indicated that the cost of a payable extension for the pupil concerned is as set out in the details supplied by the Deputy.

Traffic Calming Measures.

242. **Mr. Connaughton** asked the Minister for Education and Science when the guidelines on the establishment of speed limits outside rural

[Mr. Connaughton.] national schools will be published; if her attention has been drawn to the problems confronting the pupils, staff and parents of a school (details supplied) in County Galway, and to the facts that this school is situated on the busy N63, that the school playground is situated on the opposite side of the road and that if this school is to use the school warden system, the speed limit approaching the school from both sides will have to be reduced considerably; and if she will make a statement on the matter. [13653/05]

Minister for Education and Science (Ms Hanafin): The issue of speed control measures are outside the vested site area of the school to which the Deputy refers and should therefore be raised with the local authority. It will be open to the school's board of management to make an application under the 2006 summer works scheme for necessary safety measures within the school's boundary.

Schools Building Projects.

243. **Mr. Naughten** asked the Minister for Education and Science if she will approve an application for funding for a building unit (details supplied) in County Roscommon; and if she will make a statement on the matter. [13654/05]

Minister for Education and Science (Ms Hanafin): An application for an extension and refurbishment has been received from the management authorities of the school referred to by the Deputy and has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. The proposed project at the school referred to will be progressed in the context of the Schools Building and Modernisation Programme 2005-2009.

School Enrolments.

244. **Mr. Durkan** asked the Minister for Education and Science when enrolments at the new school (details supplied) in County Kildare will be completed; when she expects the school to be opened; and if she will make a statement on the matter. [13691/05]

Minister for Education and Science (Ms Hanafin): The enrolment policy for the new school referred to by the Deputy is a matter for its board of management and is to be decided in consultation with the other primary schools in that town.

Construction work is well advanced on this new 16 classroom primary school. The school building also includes provision for two special classrooms for children with autism. Approximately half of the classrooms in the new school are expected to be ready for September 2005. This is expected to be more than sufficient to cater for the school's

immediate accommodation needs. The balance of the school building is scheduled for completion in November 2005.

Site Acquisitions.

245. **Mr. O'Donovan** asked the Minister for Education and Science the progress by her Department regarding the purchase of a site for the construction of a new school (details supplied) in County Cork, if a site has been identified; the location of same and any other relevant details; and if she will make a statement on the matter. [13692/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf of my Department regarding site acquisitions generally, is continuing to explore the possibility of acquiring a site for the school referred to by the Deputy. A technical report submitted by the OPW is currently being assessed by the Department. Due to the commercial sensitivities of site acquisitions, no details are being released at present. When a site has been secured further detail will be provided

School Accommodation.

246. **Mr. Walsh** asked the Minister for Education and Science her plans to provide an education centre at a school (details supplied) in County Cork; and if she will make a statement on the matter. [13721/05]

Minister for Education and Science (Ms Hanafin): The accommodation needs of the education centre referred to by the Deputy are being considered in the context of the Schools Building and Modernisation Programme 2005-2009.

Post-Primary Schools.

247. **Ms Enright** asked the Minister for Education and Science the number of post-primary schools in the State; the number of these which are secondary, community, comprehensive and vocational schools, and the number which are fee paying; and if she will make a statement on the matter. [13722/05]

Minister for Education and Science (Ms Hanafin): In the 2004-05 school year, there are 742 recognised post-primary schools in the State. There are 403 secondary schools, 247 vocational schools, 16 comprehensive schools and 76 community schools. There are 58 fee paying schools, which are included in the overall total of 742 recognised post-primary schools.

School Ownership.

248. **Ms Enright** asked the Minister for Education and Science the party which owns the school lands and the school buildings in the case

of secondary, community, comprehensive and vocational schools; and if she will make a statement on the matter. [13723/05]

252. **Ms Enright** asked the Minister for Education and Science the party which owns the school lands and the school buildings in the case of fee paying schools; and if she will make a statement on the matter. [13727/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 248 and 252 together.

There are different management and ownership structures for voluntary secondary schools, including fee paying schools, vocational schools, community and comprehensive schools. In general, voluntary secondary schools are privately owned and managed institutions, whereas all community and comprehensive schools are vested in the Minister for Education and Science. Vocational schools are public schools owned and managed by vocational education committees which are responsible for the day-to-day running of these schools and colleges.

Schools Building Projects.

249. **Ms Enright** asked the Minister for Education and Science the level of support given by her Department for building and refurbishment works at secondary, community, comprehensive and vocational schools; and if she will make a statement on the matter. [13724/05]

Minister for Education and Science (Ms Hanafin): Support and investment for building and refurbishment works in schools is at record levels. Between 1998 and 2004 almost €2 billion has been spent on educational infrastructures comprising approximately 7,500 individual projects. At post-primary level, this has delivered 46 new schools, over 160 large scale refurbishments or extensions and over 850 smaller scale projects as well as site acquisitions and the provision and upgrading of furniture and equipment in schools.

Under the 2005 schools building and modernisation programme a further €493 million has been made available, of which €223 million is being allocated for the post-primary programme.

I have announced the first phases of the 2005 schools building and modernisation programme which provided details of: 122 major school building projects country wide, including 33 post-primary school projects, which will prepare tenders and move to construction during the next 12 to 15 months; 43 schools, of which 11 are post-primary schools, that will be authorised to commence architectural planning; and 590 schools approved for funding under the 2005 summer works scheme, 228 of which are post-primary schools; 124 schools, of which 51 are post-primary schools, whose projects will further progress through the design process.

I plan to make a further announcement regarding the 2005 schools building and modernisation programme that will include details of projects identified as suitable for construction under public private partnerships.

Capitation Grants.

250. **Ms Enright** asked the Minister for Education and Science the basic capitation rates for each pupil in the case of secondary, community, comprehensive and vocational schools; and if she will make a statement on the matter. [13725/05]

251. **Ms Enright** asked the Minister for Education and Science the level of support given by her Department for insurance costs at secondary, community, comprehensive and vocational schools; the other supports, excluding building grants, which are available from her Department to each category of school; and if she will make a statement on the matter. [13726/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 250 and 251 together.

The funding arrangements made by my Department for second level schools reflect the different management and ownership arrangements for vocational schools and community colleges, comprehensive and community schools and voluntary secondary schools. At the core of funding arrangements at second level is reliance upon capitation as the principal determinant of funding. Voluntary secondary schools are funded on a *per capita* grant basis.

Financial allocations for vocational schools and community colleges are made to the vocational education committees as part of a block grant, which also covers the vocational education committee head office overheads and other activities apart from the second level programme. Community and comprehensive schools are funded on a budget basis. Schools have considerable discretion as to how this funding is best utilised in the interests of their pupils.

Responsibility for arranging insurance cover on school property and against public liability is a matter for the managerial authorities of voluntary secondary schools, which are privately owned. Grant aid towards voluntary secondary school funding costs provided by my Department by way of *per capita* grants may be used for this purpose. In the case of vocational schools and colleges, insurance cover is arranged by the relevant vocational education committee. With regard to community and comprehensive schools, the State provides a general indemnity to the authorities of these schools in lieu of their taking out insurance cover against liabilities which may arise.

There have been significant improvements in the level of funding for voluntary secondary schools. With effect from January last, the stan-

[Ms Hanafin.]
 dard *per capita* grant was increased by €12 per pupil and now amounts to €286 per pupil. An additional *per capita* grant of €38.09 per pupil is paid to disadvantaged schools bringing the total *per capita* grant in the case of such schools to €324.09. In addition, equalisation funding grants of up to €44.44 per pupil, subject to a cap of €15,554 per secondary school, introduced in 2001 and additional to the *per capita* grants of some €70 per pupil, subject to a cap of €24,442 per school, introduced in 1992, are provided to voluntary secondary schools.

Secondary schools have also benefited, under the school services support fund initiative, from further significant increases in the support services grant. Under the terms of recent equalisation measures, the support grant has been significantly enhanced and now stands at €145 per pupil from 1 January 2005. Budget allocations for the vocational education committee and community and comprehensive sectors are increased on a *pro rata* basis with increases in the *per capita* grant.

All schools are eligible for recurrent *per capita* grants towards special classes and curricular support grants. Schools in the voluntary secondary, community and comprehensive and vocational sectors are also supported in line with national allocation schedules by the payment of teachers' salaries.

Question No. 252 answered with Question No. 248.

Defence Forces Recruitment.

253. **Mr. Kehoe** asked the Minister for Defence if FCA officers can hold interviews for regular Army soldiers; and if he will make a statement on the matter. [13674/05]

Minister for Defence (Mr. O'Dea): Officers of the Reserve Defence Force are not used in the enlistment interview process of personnel into the Permanent Defence Force. There can, from time to time, be situations where reserve officers can

have a command relationship with Permanent Defence Force personnel.

Fire Stations.

254. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number and location of new fire stations his Department has funded in the past five years; the cost of each; the breakdown of financial contributions either local or departmental in each case; the overall size of each fire station and the number of bays for fire appliances each can accommodate; if the original proposed size and costs were changed in any way by his Department; and if he will make a statement on the matter. [13532/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): The provision of a fire service is a matter for the individual local fire authorities in accordance with section 10 of the Fire Services Act 1981. My Department supports fire authorities in the active provision of a fire service through a range of functions, including capital funding assistance towards the cost of the provision of fire stations.

In the case of new fire stations, the Department examines proposals in accordance with the Department of Finance guidelines for the appraisal and management of capital expenditure proposals in the public sector, to ensure that over elaborate design and or the specification of standards which exceed the minimum necessary to achieve a satisfactory and cost effective end product are avoided. Where appropriate, the Department requests the authorities to review their proposals and may cap the level of grant for a project. In practice the Department frequently asks fire authorities to pursue savings or reduction in costs.

The table sets out the position in respect of projects completed in the period 2000-2004. The estimated final cost of the projects is based on the most recent information available from the local fire authorities. Final costs and appropriate levels of grant aid are determined only when detailed final accounts have been submitted and examined by the Department.

New Fire Stations Completed 2000-2004

Location	No. of Bays	Size m ²	Est. Final Cost €000	Grant aid paid to date €000
Ardee	2	295	533	501
Arklow	2	260	543	485
Bailieborough	2	260	637	489
Ballaghaderreen	2	294	592	484
Ballinacollig	3	452	1,480	907
Ballymahon	2	286	293	221
Ballyvolane F/T	2	643	1,143	1,086
Birr	2	388	854	825

Location	No. of Bays	Size m ²	Est. Final Cost €000	Grant aid paid to date €000
Buncrana	3	398	636	569
Callan	2	235	555	534
Carlow HQ	6	1,023	2,254	2,144
Carndonagh	2	286	669	669
Donegal Town	2	286	824	696
Dowra	1	144	402	325
Falcarragh	2	286	700	700
Fermoy	2	261	973	810
Hacketstown	2	274	502	434
Letterkenny H.Q.	8	1,207	2,191	1,772
Naas	2	370	825	825
Portlaoise HQ	7	760	2,026	1,963
Scariff	2	305	922	809
Skibbereen	2	250	885	712
Swords F/T	3	422	2,271	1,631
Tubbercurry	2	343	565	520

F/T — Fulltime Station

H.Q — County Council Headquarters Station

Planning Issues.

255. **Mr. Connaughton** asked the Minister for the Environment, Heritage and Local Government the position concerning an appeal on scientific grounds regarding the designation of lands on the River Suck, Callows, Ballinasloe, County Galway, in the name of a person (details supplied) in County Galway; and if he will make a statement on the matter. [13638/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): This appeal was unsuccessful at the initial stage of internal review by the national parks and wildlife service of my Department. Given this outcome, the appellant was offered, and is pursuing, the option of having the appeal referred to the designated areas appeals advisory board. I am advised that the appellant has presented an expert scientific case in support of the appeal and that the national parks and wildlife service expert scientific case has been prioritised and will be with the board very soon.

Given the number of appeals on hand the board is unlikely to hear this appeal before late June. The appellant will be kept informed as arrangements are made for a hearing. I look forward to receiving the board's recommendation as soon as possible.

Community Recreation Facilities.

256. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the funding provided by his Department for the development of community recreation facilities in 2005; and if he will make a statement on the matter. [13655/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2005, my

Department is providing €19.525 million in respect of communal facilities in voluntary housing schemes, the development and improvement of public libraries, community centres and for the provision of playground and skateboard parks.

In addition, local authorities when developing new housing projects frequently provide a community facility as part of the development. Such facilities, where provided, form part of the overall capital cost of the particular housing scheme. Furthermore, I have provided to local authorities, for 2005, almost €817 million in general purpose grants from the local government fund, from which they may fund community recreation projects.

Housing Grants.

257. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the funding allocated to the Housing Finance Agency in 2004; and if he will make a statement on the matter. [13656/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department does not provide funding to the Housing Finance Agency. The agency advances funds to local authorities to be used by them for any purpose authorised under the Housing Acts and it finances its operations by borrowing or raising funds for these purposes. The agency's annual report for 2004, including its financial statements, will be laid before the Houses of the Oireachtas soon.

Social and Affordable Housing.

258. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the average cost to the Exchequer of each

[Mr. McGuinness.]
social housing unit in 2004; and if he will make a statement on the matter. [13657/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The average cost of a housing unit provided in 2004 under the local authority housing construction programme is estimated at €147,000.

259. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of housing estates predicted by his Department for Kildare for 2005; the number of local authority estates and affordable housing estates; and if he will make a statement on the matter. [13693/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Based on returns provided by Kildare County Council to my Department at the beginning of the year relating to its local authority housing construction and acquisition programme there were some 250 housing units under construction. The council proposes to commence the construction of, or acquire, some 500 units at various locations throughout the county during the course of the year.

The council estimates that some 325 housing units will be provided throughout the county under the various affordable housing schemes this year.

Rented Dwellings Register.

260. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the number of landlords registered with Kildare City Council, Athy Town Council and Naas Town Council in accordance with legislation; and if he will make a statement on the matter. [13694/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Responsibility for the registration of tenancies now rests with the Private Residential Tenancies Board, which is an independent statutory body established under the Residential Tenancies Act 2004. Requests for information relating to the board's functions, including tenancy registration, may appropriately be directed to the board at Canal House, Canal Road, Ranelagh, Dublin 6. The board is processing a large volume of applications for registration from which the statutory tenancy register will be compiled. Until this work is completed it will not be possible for the board to provide comprehensive data.