Tuesday, 17 May 2005.

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

Paidir.
Prayer.

Business of Dáil: Motion.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I move:

That notwithstanding anything in Standing Orders questions to the Minister for Justice, Equality and Law Reform will take place on the conclusion of questions to the Minister of State at the Department of the Taoiseach, and shall conclude at 4.15 p.m.

Question put and agreed to.


1. Mr. Rabbitte asked the Taoiseach if he will make a statement on the recent Central Statistics Office report, Measuring Ireland’s Progress 2004. [10592/05]

2. Mr. Sargent asked the Taoiseach if he will make a statement on the recent Central Statistics Office report, Measuring Ireland’s Progress 2004. [11886/05]

3. Mr. J. Higgins asked the Taoiseach if he will make a statement on the recent Central Statistics Office report, Measuring Ireland’s Progress 2004. [15207/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): I propose to take Questions Nos. 1 to 3, inclusive, together.

The Central Statistics Office published the report, Measuring Ireland’s Progress 2004, on 31 March 2005. The first edition of this report was published in December 2003 in response to a commitment in Sustaining Progress to establish a set of national progress indicators. The feedback to the initial report was very positive and included requests for it to be published annually. The current report is a response to that.

The report contains a total of 108 indicators covering 48 economic, social and environmental themes. The majority of the indicators — 66 — include comparisons between Ireland and the situation in the EU. As far as possible, figures have been supplied for all 25 EU member states as well as Iceland, Norway, Switzerland, Bulgaria and Romania. The remaining 42 indicators contain time series data of national interest focusing on trends in Ireland over time. I welcome the report as a valuable benchmarking of progress in Ireland.

Additional information not given on the floor of the House.

The statistics I will cite relate to the enlarged EU of 25 member states. Ireland’s population increased by 12.3% to more than 4 million between 1995 and 2004. Its rate of population increase is the second highest in the EU and significantly higher than the EU average of just 2.2%. Ireland’s fertility rate of 1.98, which compares with an EU average of 1.48, was the highest in the EU in 2003. Between 2001 and 2003, life expectancy at birth was 80.3 years for Irish women and 75.1 years for Irish men. Life expectancy for men in Ireland was slightly above the EU average of 74.8 years but that for women was 0.8 years below the corresponding EU average of 81.1 years.

The percentage of Irish people between the ages of 25 and 34 with third level education increased from 27.1% in 1999 to 39.4% in 2004. The corresponding EU rate in 2004 was 24.8%. Ireland had the second highest gross domestic product per capita in the EU in 2003. It was almost one third higher than the EU average. Ireland’s gross national income, which adjusts for some globalisation effects, was 11% above the EU average in 2003. Ireland remains one of the most successful EU member states at attracting foreign investment. In 2003, direct inward investment flows represented 17% of GDP, or ten times the corresponding eurozone rate of 1.7% of GDP.

The public balance in Ireland was significantly in surplus during the late 1990s. However, the public balance decreased from a surplus of 4.4% of GDP to a small surplus of 0.1% of GDP between 2000 and 2003. Four eurozone member states exceeded the 3% of GDP deficit limit under the EMU Stability and Growth Pact in 2003. Ireland is significantly behind the EU leaders, Sweden and Finland, in innovation and technology indicators such as investment in research and technology and new patent applications.

The employment rate in Ireland increased from 54% in 1995 to 65.5% in 2004, which was higher than the EU average of 63% in the latter year. Although Ireland’s unemployment rate increased from a low point of 3.6% in 2001 to 4.4% in 2004, Ireland had the second lowest unemployment rate in the EU in 2004. The rate was less than half the EU average. The unemployment rate for early school leavers aged between 18 and 24 was 21.8% in 2004, compared with an unemployment
Ireland’s international trade competitiveness has deteriorated since 2000, mainly as a result of higher inflation and an appreciating euro. Cumulative inflation in Ireland between 2000 and 2004 was 16%, compared with an EU average of 9%. The proportion of Irish people at risk of poverty after pensions, in particular, and social transfers was 21% in 2003. That was one of the highest rates in the EU. Ireland’s net official development assistance amounted to 0.39% of gross national income in 2003. That was below the UN 2007 target of 0.7% of gross national income and the Government’s 2002 interim target of 0.45% of gross national income.

Ireland’s greenhouse gas emissions were 131% of 1990 levels in 2001. That was 16% higher than the Kyoto 2008-12 target for Ireland of 113% of 1990 levels. There was an improvement between 2002 and 2003, when emissions decreased to 124.7% of 1990 levels, or 10.4% above the Kyoto target in 2003. The percentage of waste placed in landfills in Ireland decreased from 87% in 2001 to 72% in 2003. Paper and glass were most likely to be recycled, with 39% of paper waste and 42% of glass waste recycled in 2003.

Mr. Costello: I note that Ireland’s homicide rate was consistently low in the years before 2003. I am sure I will receive more information about this matter from the Minister of State, Deputy Kitt, than I will from the Minister for Justice, Equality and Law Reform later this afternoon. There has been an enormous increase in the homicide rate since 2003.

Mr. McDowell: That is not true. It is the exact opposite of the truth.

Mr. Costello: That is what I expect the Minister to say.

Mr. McDowell: There has been a decrease in the rate in each of the last two years.

Mr. Costello: The Minister is not answering this question. He will get a chance in a while. The statistics in Measuring Ireland’s Progress 2004 make rather bleak reading for anybody who examines the social dividend of Ireland’s affluent society and burgeoning economy. While we have a strong economy, we also have a very weak society. This social weakness is evident when one considers the report’s finding that one in five people is at risk of poverty. Ireland and Slovakia share the highest rates of poverty in the EU. Our problems in this regard stem from the Government’s low rate of expenditure on social protection, education and health. Ireland’s rate of expenditure on social protection is the lowest of all the EU member states. This country’s record on education is not much better. The average class size in Ireland is one of the highest in the European Union. I do not need to talk about the problems in the health service.

The sad truth that has emerged from the report is that we are not investing adequately in our people, including our children. Can the Minister of State outline how the Government intends to address the dichotomy between the quality of our society and that of our economy? While our economy is performing quite well, our society is quite weak. There are problems in areas other than social inclusion, education and health. Ireland’s level of greenhouse emissions has not decreased to anything like the level outlined in the Kyoto Agreement. Ireland’s quality of waste disposal is 50% below the EU average. Will the Minister of State justify what this country is doing to assist the world’s poor? In 2002, Ireland’s target level of overseas development aid was 0.45%, to increase to 0.7% by 2007, but the figure had increased to just 0.39% by 2003. We seem to have gone backwards since then rather than making progress.

Mr. Kitt: Every Government strives to ensure that the country’s resources are spread fairly. The Deputy has acknowledged that our economy is successful. That our economic success should lead to an improvement in people’s lives is acknowledged in Measuring Ireland’s Progress 2004, which is a very valuable report. As it is a statistical report, it highlights the areas in which discrepancies exist and progress needs to be made. The proportion of Irish people in third level education is 39.4% compared with an EU rate of 24.8%. Ireland has the third highest rate in the EU of participation in third level education. We all agree that educational qualifications are central to the acquisition of a decent job. Ireland is the envy of its EU partners because it is the best country in the EU at attracting foreign investment. In 2003, direct inward investment flows represented 17% of this country’s GDP, or ten times the corresponding eurozone rate of 1.7%. The report under discussion highlights that Ireland has successfully attracted employment. The public balance is in surplus and the unemployment rate has been reduced.

The Deputy rightly referred to the issue of poverty and deprivation. However, different rates apply and there is continuing argument about the discrepancy between the EU survey on income and living conditions model and Ireland’s national model. To take the example of a particular deprivation measure, heating is a key deprivation measure in Ireland but is not necessarily so in a country like Greece. We are beginning to use EU guidelines for such measures but these guidelines will need refining.

I am not in the business of arguing over the detail of percentages. The key point for any Government is to discover the real needs and the Government is determined to do this. I will not rehearse the record of the Government in regard to social welfare payments because Members
have already heard it, but the achievements of the Government are substantial.

**Mr. F. McGrath:** What about the wasting of public money by the Minister for Justice, Equality and Law Reform?

**Mr. Kitt:** The statistics show that if social transfers and pensions are not considered, Ireland is doing better than other countries. While our social protection expenditure as a proportion of gross domestic product was lower than in the EU 15 member states, it is worth noting that it has increased from 14.3% in 2000 to 16% in 2002. In addition, Ireland has the second lowest proportion of persons aged 65 and over in the population, which has an effect on social protection expenditure. That Ireland has a young population and does not at present have as many older people as other nations suggests an imbalance in the comparative figures. I make this point as a statistical fact with regard to social deprivation. However, I agree with the Deputy that it is our duty to try to deal with these issues.

The environmental issue of greenhouse gases has been referred to as an area needing improvement. Our greenhouse gas emissions were at 131% of 1990 levels in 2001. This was 16% higher than the Kyoto 2008-12 target for Ireland of 113% of 1990 levels. The situation improved in the period 2002-03 with emissions decreasing to a level of 124.7% of 1990 levels or 10.4% above the Kyoto target in 2003. It is clear that there is a need for improvement in this regard.

The issue of overseas development aid is close to my heart as I was Minister of State with responsibility for this area on two occasions. As the House will appreciate, the allocation for 2005 provided an increase of €70 million in Government spending, bringing total spending to €554 million. In addition, a positive development is that the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007. These substantial increases mean that over the three years 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance.

Having spent a considerable period of my political life in the Department of Foreign Affairs, I agree with the general consensus in the House that we should strive to get to the 0.7% target as soon as possible. A very good process is being carried out by my successor, the Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan. He has conducted a consultative process——

**Mr. J. O’Keeffe:** The Minister of State talks of consultation. Why does the Government not put up the money? The Minister should stop the codology.

**Mr. Kitt:** This is important. I would encourage Deputy Jim O’Keeffe, as a former Minister of State, to make a submission to that consultative process.

**Mr. J. O’Keeffe:** My submission is that the Government should put up the money that was promised.

**Mr. Kitt:** I will not get into what other Governments did. However, what was done by other Governments was disgraceful.

**Ms O. Mitchell:** I thought the Minister of State was not going to get into that. He was a member of the previous Government.

**Mr. Kitt:** A sum of €1.8 billion will be spent over the next number of years. Following the consultative process, the key for the Government is to prepare for the UN summit in September and to put in place a new target figure. This will be done when the consultative process is completed.

**Mr. Sargent:** I thought for a second that Deputy Jim O’Keeffe would cross the floor of the House to tackle Deputy Kitt.

**Mr. J. O’Keeffe:** There is a much more innocent explanation.

**Mr. Sargent:** Will the Government learn any lessons from the CSO report? To whom was the Minister of State, Deputy Kitt, referring when he mentioned positive feedback? Were a number of people charged with responsibility of giving feedback or is he making a more general point?

Is the Government taking any lessons from the CSO figures? I note that Ireland has the second lowest unemployment rate and this is generally a clarion call for the Government in that once the unemployment rate is low everything should be fine. Do the other figures further enlighten the Government regarding the matter? There are different definitions of poverty but let us not argue about them. There is clearly a significant number of so-called working poor. These people may be in employment but they are suffering from poverty. Does the Government have plans to either delve into the detail behind these figures or introduce more accurate measurements of quality of life than unemployment, GDP and GNP figures, which can be misleading in terms of people’s day-to-day lives? Has the Government looked further at the various countries which have a far more sophisticated measure of the way in which progress is made?

How will the CSO report impact and be utilised under Sustaining Progress? Will it in any way change the Government’s pursuit of a consumption-based model to start measuring quality of life in a way that enables us to deal with people’s day-to-day challenges as well as issues such as climate change and energy consumption which will further affect our competitiveness? Will the Government address the issue of international competitiveness, which has been deteriorating since 2000? It has been suggested that this has to
Mr. Kitt: That is a bit of a mouthful. I congratulate the Deputy and his party on their conference. The process of feedback was initiated through Sustaining Progress so the feedback came from social partners and other interested parties. Anybody involved in the social partnership process at Government and public service level, as well as those in business or the trade union movement, would have a huge interest in these facts. Feedback was received together with encouragement for the CSO to continue its work in this area, and I am the Minister responsible in that regard.

Ireland’s unemployment rate increased from a low point of 3.6% in 2001 to 4.4% in 2004. However, we still have the second lowest unemployment rate in the European Union and less than half the EU 25 average. The CSO is definitely pursuing other avenues to delve further into these figures. As I said to Deputy Costello, the key is to target resources where they are absolutely required regardless of whether the figure is 21%, according to the EU model on poverty criteria, or less under our own. The broad criteria relate to the elderly, single parents and children. With regard to poverty, we must measure the income of households and how that impacts on children. It is vitally important that the CSO examines all areas with regard to quality of life. We have discussed this issue with CSO personnel and they are looking at time use surveys, that is, what people are doing with their time. They are doing some interesting work, with people spending time with families in the home. Pilot work is going on also in that area, a subject raised in the Dáil in the past, which involves working with the gender equality section of the Department of Justice, Equality and Law Reform. The result of that work is expected this summer.

Good statistical work is being done on people’s involvement with sports, a topic that relates to yesterday’s debate on obesity, in terms of players, organisers and volunteers. That is important work in determining whether people are actively involved in sport or are organisers or mentors. That statistical work, combined with the capital and current expenditure on sport, will be important in evaluating the current position. All parties in this House are concerned with the need to get the greatest possible participation in recreation and sport.

People often regard the Central Statistics Office as being made up of public servants who are out of touch with the reality of life, but from my involvement with it in this Ministry I have found them to be an enlightened group of people who are examining various new areas and I commend them for doing that. To answer the Deputy’s question, much useful, thematic work is coming on-stream with regard to the new areas the CSO is examining.

There is some work to be done on the environmental area, but while there were some negative indicators it is worth noting some of the progress made. One aspect I would mention in particular is that Ireland’s energy intensity ratio has improved from 236.4 in 1994 to 151.3 in 2003. The percentage of unpolluted river water in Ireland improved from 67% in the period 1995-97 to 69.8% during 1998-2000.

We are all aware of what happened as a result of the work of the Tánaiste, Deputy Harney, with regard to smoke pollution levels in Dublin. That shows the importance of a major initiative such as the one the Tánaiste pursued. Smoke levels decreased dramatically following the introduction of the legal restrictions on the sale of non-smokeless coal in 1990. Similar improvements occurred when the ban was extended to Cork and Limerick. There are many positive aspects in the report, including the area of landfill in terms of recycling of plastic and paper. Much progress has been made and I am convinced more progress will be made because of the good work taking place with regard to recycling. As far as I am concerned, the CSO people have their finger on the pulse. They are examining new areas and I encourage them to do that.

Mr. J. Higgins: One of the findings of the Central Statistics Office report, Measuring Ireland’s Progress 2004, was that the population has increased to over 4 million, the second highest rate of growth in the European Union. Will the Minister of State agree that after eight years of his Government in power, it is now painfully clear that his preparation for this population increase and its implications has been pathetically inadequate and that the Government is floundering in front of the urgent needs of these new and expanding communities and the community of youth? Will he agree also that the west Dublin area is a good example of what we face, considering that it is the fastest growing area in Europe, yet virtually every week I have to attend meetings of committees in new and expanding communities that have to struggle with the State to get the most basic facilities, such as schools, community facilities and other needs?

Last night I attended a meeting of the parents’ association of Castleknock Community College. Will the Minister of State agree that only a few years ago that college was designed on the orders of the Department to cater for 440 students but it now has 1,100 students, making it the second or third largest school in the country, brought about by incremental additions in response to what should have been foreseen, which is a massively expanding community? Will he agree that is pathetic planning by the Government? The college urgently needs a major sports hall but the Government will not set aside the resources for that. Does the Minister agree that it highlights the scandal of €60 million of junked electronic voting...
machines lying in holes around this country when that amount of money could build ten sports halls? His colleague, the Minister for Justice, Equality and Law Reform, spent €30 million on unsuitable land for a prison without proper competitive tendering, an amount that would make even a seasoned land speculator blush so generous was it. As a member of the Committee of Public Accounts I was shocked that the €7 billion set aside for roads jumped to €16 billion within a few years.

In view of this incredible misappropriation and incorrect prioritisation, what urgent action will the Government take to redirect resources to the urgent community needs brought to our attention by the CSO’s report? Does the Minister of State agree that if this were done the Minister for Justice, Equality and Law Reform would not need to throw anti-social behaviour orders around like confetti as another pathetic response? If social infrastructure for the youth was put in place in communities many of the problems with which we must now contend would not exist and young people would be diverted away from anti-social behaviour. While I put a number of questions the nub of all of them is the necessary resources now urgently needed in community and social infrastructure.

Mr. Kitt: Deputy Higgins covered a multitude of issues and I will try my best to deal with them.

Mr. J. Higgins: It was on one point.

Mr. Kitt: Deputy Higgins strayed from the question on statistics as he knows from his involvement in this part of question time. I will do my best to deal with his questions.

Deputy Higgins started on the issue of the population and moved on from there. He would agree that it is a fantastic reflection of Ireland’s success as an economy that 50,000 Polish people have come here to work. Our responsibility as Europeans is to look after them and provide them with jobs, and that is being done. Deputy Higgins and I will meet them in all sectors of the Irish economy and they are making a positive contribution, as are others all over the world and outside the European Union.

To follow on from that, one tries to provide people with jobs and housing. Deputy Higgins may not like private sector building but there is house building at all levels and every effort is made to deal with the issues of affordable and social housing. If one examines overall housing, one sees the industry has built 70,000 units per annum. I can give many examples to illustrate the broader picture of what is happening in the economy. Deputy Higgins asked about the needs of these people. We must look after them. Those of us who are out and about, meet them and can see that they are successfully integrating into Irish society.

There are pressures on schools and on health care. If we were to analyse it we would see that much of this pressure is due to the fact that we have a rapidly increasing population. The population has increased by 12.3% to 4 million people in the period from 1995 to 2004. It is the second highest rate of increase in the European Union and was significantly higher than the average of the 25 member European Union of just 2.2%.

Mr. J. Higgins: The Government has not prepared for it.

Mr. Kitt: The fertility rate in Ireland remained the highest of the 25 EU member states in 2003 at a rate of 1.98% compared with the EU average of 1.48%. In many ways Deputy Higgins acknowledges the success of the economy.

Mr. J. Higgins: What is the Government doing about community infrastructure? That is the point.

Mr. Kitt: I agree with Deputy Joe Higgins in that we should be doing our best to deal with this, but the rate of population increase is extraordinary. The Government cohesively pursues a wide range of policies in this regard, although I have no doubt that the Deputy would fundamentally disagree with some of them. He has indicated such in the House on previous occasions. We are talking about attracting inward investment through having the right mix of taxation policies in an enterprise culture. I would argue about many of the policies to which the Deputy subscribes.

Mr. J. Higgins: I am asking about social and community infrastructure.

Mr. Kitt: The Deputy has decided to expand the debate and I am touching upon many of the policy issues for which he criticises us. It is his right to do so, but I argue that this good mix of policies has brought about success. That, in turn, has brought additional pressures to bear on all of us, but I guarantee that we are doing our level best.

The Deputy also referred to facilities. The Central Statistics Office is tracking that area, including quality of life, sports and recreational issues. The House has debated social exclusion and, as Government Chief Whip, I strongly encouraged the recent debate on suicide. Such debates reflect the Government’s concern about such matters which cannot be ignored. We need to deal strongly with these human social issues as part and parcel of our developing economy. I have wandered somewhat from the original question, a Leas-Cheann Comhairle, as have others.

Mr. J. Higgins: The Minister of State did not wander.

Mr. Durkan: He wandered lonely.

Caoimhghín Ó Caoláin: The Minister of State is back from his wanderings now and I am back
[Caoimhghin Ó Caoláin.]

also. What is the current level of co-operation between the CSO and the Statistics and Research Agency north of the Border? Is the Minister of State aware that a mistake is continually made between population comparisons of various census results? The census of 1901, an all-Ireland census, showed the population at that time to be 3.2 million. The census in 2002, which referred only to this State, the Twenty-six Counties, recorded a population of 3.9 million. I heard one Minister refer previously to the latter figure as the population of Ireland, but such mistakes are misleading and convey false information.

It is imperative that there is increased co-operation on an all-Ireland basis as regards the real statistical facts. Will the Minister of State outline the current level of co-operation between the statistical bodies North and South, as well as the steps he is taking to enhance such co-operation? Does he agree that this is both desirable and achievable?

Mr. Kitt: The Deputy’s question does not relate to this CSO report, but I know there is North-South co-operation on a wide range of issues. On an earlier occasion, I replied to the Deputy about that specific issue when we were discussing tourism. I agree with him that co-ordinated work is required on matters such as tourism, especially given that Tourism Ireland is looking after the whole island. When I followed up the Deputy’s earlier queries, it was confirmed to me that there is a considerable amount of co-operation on tourism and trade. As regards the CSO report entitled Measuring Ireland’s Progress, we are obviously talking about our own jurisdiction. However, I will be happy to obtain more information for the Deputy in this respect, including further details on specific areas of North-South co-operation.

I agree with the Deputy that the maximum amount of co-operation is needed across the board. I have no doubt that when, hopefully, there is further political progress in the North, with the restoration of the Assembly and North-South bodies, a natural follow-up will include clear co-operation on all fronts. It would be mutually beneficial if that was done.

Irish-US Trade.

4. Mr. Allen asked the Taoiseach the value of trade between Ireland and the US for 2004; and if he will make a statement on the matter.

[13493/05]

Mr. Kitt: The value of merchandise trade between Ireland and the USA in 2004 was €7 billion in the case of imports, as based on country of origin, and €16.5 billion for exports.

Mr. Durkan: Has the Minister of State gleaned trends from that information? Will the Minister of State indicate the direction this trend is taking and its extent? To what extent may we rely on this trend developing, given that in recent times we have seen the relocation of manufacturing jobs, on more than one occasion — some from my constituency — to more competitive locations? I wonder if the Minister of State can assure the House that this negative trend will not continue. Perhaps he can indicate what the future holds in that regard in the long-term.

Mr. Kitt: I have some very detailed information I am glad to share with the Deputy. My colleague, the Minister for Enterprise, Trade and Employment, Deputy Martin, and others have continuously pointed out that the jobs associated with Irish trade are high quality. The emphasis is on this and the Government’s approach is to concentrate on high quality jobs taken up by highly educated people. That is the ongoing trend, as well as trying to deal with jobs at all levels.

As regards the types of areas that are expanding I will give the Deputy some statistics on the top five in the export area and the top five involved in imports, since he has asked about trade. I will outline the overall trends supported by figures. The value of merchandise trade between Ireland and the USA for the years 2001-2004 was: exports €15.7 billion and imports €8.7 billion — 2001; exports €16.5 billion and imports €8.5 billion — 2002; exports €16.9 billion and imports €7.4 billion — 2003; and exports €16.5 billion and imports €7.0 billion — 2004.

It may be of interest that this table outlines the most significant product mix for exports and imports, respectively, expressed in millions. Top of the exports list are organic chemicals — €5.283 billion; medical and pharmaceutical products — €2.19 billion; and office machines and automatic data processing machines. These are followed by professional, scientific and controlling apparatus and miscellaneous manufactured articles. On the imports side the top five are office machines and automatic data processing machines, miscellaneous manufacturing articles, electrical machinery apparatus and appliances, other transport equipment and organic chemicals.

These are the statistics we are working with and all I can do is share them with the Deputy. We are talking about high quality areas, such as pharmaceuticals. I presume “other transport equipment” means aircraft etc., on the imports side. As regards medical and pharmaceutical products etc. we are talking about companies as big as Wyeth. On the professional scientific and controlling apparatus side, companies such as Boston Scientific are involved. These are high quality companies that are obviously providing very fine jobs.

Mr. Durkan: The worrying aspect of the Minister of State’s reply is that he relies upon high quality jobs that have been retained, in support of his argument. The theory is that we are losing low quality jobs. The trend that he has just read out for the years 2001-04 does not indicate this at all. It indicates a reversal. Exports started off at €15.7 billion, then reached €16.5 billion, €16.9
billion and €16.5 billion again. Will the Minister of State agree that the worrying underlying aspect is that we are losing manufacturing jobs, some of them to North America in recent weeks? This is a very bad indicator from the viewpoint of the economy's competitiveness. While it may be agreeable worldwide to say that Ireland has a high wage economy, a harsh lesson has been learned, historically, namely that when we priced ourselves out of the market nobody had any sympathy for us. Will the Minister of State indicate whether it is likely that steps will be taken by the various Departments to whom these statistics apply to address that particularly worrying aspect of the trend?

Mr. Kitt: We must take account of the rate of the dollar versus the euro when looking at those figures. All these data are vital for policy makers. There are valuable jobs across the board apart from the highly paid ones and there are other industries on the list that the Deputy would know from his constituency, such as meat and dairy products and beverages. There are all sorts of areas that sustain valuable jobs. I will ensure that the data are passed on to the relevant Ministers and that they will focus on them.

Mr. J. Higgins: American companies located here are highly profitable. Up to €20 billion is exported in profits by multinationals every year. How much of that is accounted for by US-based multinationals? Is that included in the figures or do exports refer exclusively to products?

Mr. Kitt: We are talking about country of origin. Pharmaceutical companies sending products to Belgium and on to the United States from the highly paid ones and there are other industries on the list that the Deputy would know from his constituency, such as meat and dairy products and beverages. There are all sorts of areas that sustain valuable jobs. I will ensure that the data are passed on to the relevant Ministers and that they will focus on them.

Mr. J. Higgins: Are repatriated profits included in the data on exports?

Mr. Kitt: No.

Priority Questions.

Crime Levels.

5. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform his views on the upsurge in the level of gun crime, robberies and hostage-taking; and the steps he has taken to deal with the activities of armed gangs to bring them to justice.  [16224/05]

6. Mr. Costello asked the Minister for Justice, Equality and Law Reform the steps being taken to deal with the surge of serious crime over the past few months, including the spate of gangland style killings, robberies of cash in transit consignments and abductions and kidnappings; if he intends to provide additional resources to the Garda to help it combat these killings; and if he will make a statement on the matter.  [16261/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 5 and 6 together.

I have outlined previously to the House the extensive range of measures which have been taken to deal with the types of crime referred to in the questions. Those measures will, of course, continue.

I have been concerned for some time, and this is a concern shared on all sides of the House, that serious offences which have been taking place have made evident the emergence of a gun culture in Dublin. This, sadly, has been manifest in the number of fatal shootings that have taken place, particularly in recent weeks. Those deaths will be comprehensively investigated, as will the incidents of armed robberies and other gun crimes which have taken place. The Garda Commissioner advises me that he is confident of success in a number of those investigations.

The Garda has amassed a considerable amount of intelligence about gun crime in Dublin and has a very clear picture of what is going on. Both the Garda Commissioner and I, in the course of intensive discussions in recent days, have agreed that the time is now ripe to build on that work in ways that will strike at the heart of the gun culture which has emerged.

I can report to the House that last night the Garda Síochána launched Operation Anvil. This is one of the most intensive special policing operations ever undertaken in the State. It will be intelligence-driven and will be aimed at those involved in gun crime of any kind in the Dublin metropolitan region.

Its cost will amount to €6.5 million, which I have made available from my Department’s allocation for this year, in addition to other allocations to the Garda Síochána. It will involve about 15,000 additional hours overtime being worked each week by gardaí in the Dublin area. This expenditure will not adversely affect existing agreed overtime allocations across Garda divisions, including those for the Dublin metropolitan division.

It would be counterproductive for me to give precise details of what will be involved in Operation Anvil but it will involve divisional uniform and detective patrols throughout the region, backed up by national units, overt and covert operations, mobile and foot patrols, random checkpoints at specific locations, extensive searches, execution of warrants and gathering and collation of high quality criminal intelligence. The Commissioner is adamant this will not be done by sucking in those involved in community policing, depriving that area of the necessary manpower. The operation will be focused, sustained, targeted and relentless.

One feature of the gun culture that has emerged is the apparent belief on the part of some criminals that they are not bound by or subject to the laws of the land. Nobody is above the
[Mr. McDowell.]

law and, likewise, nobody is beneath the protection of the law. Operation Anvil is intended to supplement existing operations to ensure that lawlessness does not prevail, that the threat posed by these criminals is met sternly and effectively and, above all else, human life is respected.

While our legislation for tackling organised crime is one of the toughest in Europe, I propose it is strengthened further. The Criminal Justice Bill 2004, which is on Second Stage in the House, provides for a comprehensive package of anti-crime measures which will enhance Garda powers in the investigation and prosecution of offences. These include a general power on the issue of search warrants, including a superintendent’s right to issue an emergency search warrant in certain circumstances, increased detention powers of up to 24 hours for arrestable offences and a statutory power to preserve a crime scene. Part 3 makes provision for the admissibility as evidence in court of statements by witnesses who subsequently refuse to testify or retract their original statements. I am considering introducing several amendments, including a proposal to provide for criminal offences for the participation in a criminal organisation, as requested by the Oireachtas Joint Committee on Justice, Equality, Defence and Women’s Rights.

With the recent increase in violent crime involving firearms, there is an overriding necessity to ensure public safety and security are given priority in any review of policy and legislation on firearms. I have decided to bring forward proposals in the context of the Criminal Justice Bill to provide the secure custody of firearms, minimum sentences and new offences for modifying firearms, such as the sawing off of a shotgun barrel. I intend to provide for severe penalties for the possession of sawn-off shotguns and the modification of shotguns.

I ask all sides of the House to help me expedite these measures in a genuine spirit of co-operation. I ask all Members to welcome the measures the Garda Commissioner has put in place since last night, which will be a substantial and unprecedented operation against gun crime in Dublin city.

Mr. J. O’Keeffe: At long last the Minister has stirred himself, even if only by making available funding of €6.5 million to the Garda Síochána. This should be of some help and I wish the force every success with the provision of an additional 15,000 hours in overtime.

Are we clear on the extent of the gun crime problem? The rate of crimes involving guns is unprecedented, with a minimum of one murder a week and robberies of ATMs and cash in transit, with large amounts of moneys being taken out of the system by criminals. The Minister will have the co-operation of all sides of the House on necessary legislation. I suggest, however, he circulates his proposals on making membership of an armed gang a criminal offence. It should be published on a separate basis to the Criminal Justice Bill so that it can be passed quickly by the House. It may be tied up if it is locked into the Criminal Justice Bill as there are many other issues in the Bill that need to be teased out.

Will the Minister also consider introducing legislation on hostage-taking? I appreciate serious penalties exist for false imprisonment. However, to mark our absolute revulsion at hostage-taking, it should be set out as a separate offence. It is all very well to have certain penalties for stealing, but stealing involving hostage-taking must be a separate offence. I urge the Minister to examine this and I assure him he will have cooperation from this side of the House if legislation is introduced. We have legislation dealing with hostage-taking with regard to international crime but not domestic crime. If it is sufficiently important to deal with it internationally, why not take it into account in our domestic legislation?

Regarding resources, the Garda is welcome to the 15,000 hours of overtime, but can the Minister take any further urgent steps to ensure the Garda will have the support it needs on a continuing basis, in terms of manpower and equipment? The Garda operates with equipment to which armed gangs have ready access. There is no encryption or security in their walkie-talkie equipment, which is 20 years out of date. The Garda PULSE computer system also needs to be upgraded. Can we urgently provide the Garda with the necessary resources on a continuing basis?

Could the Minister give an analysis of the situation regarding armed gangs in the country? It is important that the public know. I have heard that there are 17 armed gangs. Is that correct? How many people are involved? I know the Minister cannot name names, certainly not in these circumstances, but would it be important in terms of alerting the public to the situation in full, and giving it more information as to who is involved, their numbers, the extent of the problem and the number of gangs involved? The public should also be told about the weaponry involved. In the past three years, some 1,300 weapons have been stolen, while I do not know how many have been smuggled into the country. The public is concerned, and entitled to the information available. If it had it, the public could be of assistance to the Garda in dealing with the horrendous problem facing us.

Mr. McDowell: I welcome Deputy O’Keeffe’s support for getting on with the core legislative requirements to deal with the problem. Although some of the provisions of the Criminal Justice Bill are controversial, most of the central ones, such as detention, search and scene preservation powers will assist the Garda Síochána in the fight against this kind of crime.

Regarding crime involving organised gangs, the Oireachtas Committee on Justice, Equality, Defence and Women’s Rights has considered the matter and I am moving on Committee Stage to meet that committee’s thought-out proposals.
Hostage-taking is a form of false imprisonment——

Mr. J. O’Keeffe: A gross form.

Mr. McDowell: ——and a very serious offence for which the penalty is life imprisonment. I heard Deputy O’Keeffe on radio discussing whether we should regard hostage-taking as a separate species, so to speak, but we should remember that the penalty for false imprisonment can be life imprisonment. I do not want to speak entirely off the cuff, but perhaps a case can be made for a minimum sentence where a threat is made to the life of an individual. Almost anything, even putting someone in a cupboard, can be false imprisonment, but when someone’s life is threatened for the purpose of committing another felony, there may be a case for a minimum sentence. We could consider that on Committee Stage of the Criminal Justice Bill.

It is true that depending on one’s definition of a gang, there are between 15 and 30 groups of people here who confederate to commit offences. At this stage I do not want to say much about them, but in case the Deputy thinks these figures are conjured up, I have seen spreadsheets with the names of people involved, an elaboration, a map, so to speak, of how these gangs are organised and inter-related. It is not as if the Garda is blundering about with no strategic view of the problems.

Deputy O’Keeffe should note that there is a clear pattern of people who in the past were members of paramilitary bodies, now using for their private ends all the thuggish skills they developed and the mercilessness they exhibited, threatening and killing innocent people, and shooting people in the head. On a number of recent occasions, intelligence briefings have suggested to me that former so-called patriots have been only 16%, the lowest such rate for all headline offences. If one commits a gangland murder, one is less likely to be punished for that than for any other headline crime one might commit. What will the Minister do about that?

Regarding security firms, is it a fact that we currently have no licence scheme, regulations or standards for any of the security operations here, and that some 26,000 security personnel go merrily about their business while there are no proper standards or vetting procedures in place? Can the Minister give us some idea of when the private security services legislation will be in operation to the extent that it will have some meaning?

With regard to the gun culture, what will the Minister do about the enormous number of weapons that are available in this country? The Minister indicated that some of these are paramilitary weapons, some are smuggled weapons while others are stolen, but having that knowledge is not good enough. What steps will he take to get those weapons out of circulation?

Mr. McDowell: I act in conjunction with the Garda Commissioner in the allocation of funds. Operation Crossover, to which the Deputy referred, was a successful operation. It targeted specific areas on the western side of this city and had a significant effect.

Mr. Costello: Everything is now back to square one.

Mr. McDowell: We are by no means back to square one. There was a significant improvement in the situation arising from Operation Crossover. I attended the opening of a new offenders’ transition home in the Blanchardstown area some days ago and, on that occasion, voluntary groups
who are concerned with crime in the Blanchardstown area reported to me that there had been a dramatic improvement in policing in their area, with which they were happy, and that the improvement was being sustained. I congratulate local Garda management for reallocating its resources to produce this greater visibility.

It is true that I believed last year that, as a result of Operation Crossover, the organisations of major players had been broken up and that they were effectively on the run. However, others have stepped into their shoes and the Garda Commissioner has asked me for these extra resources. Deputy Costello would ask why these are not available all the time and would suggest that there should be no particular set of operations but constant overtime and the attendant constant flows of money.

Mr. Costello: I am not saying that, I am saying the opposite.

Mr. McDowell: It is important that when we engage in a certain type of expenditure, we keep it under review to assess whether it has lost its vitality and whether it is yielding dividends.

Mr. Costello: I am seeking ongoing resources.

Mr. McDowell: It would be easy to simply tell the Garda Commissioner that he can have as much money as he wants which can be spent as he wishes, but I cannot do that and I accept the Deputy is not inviting me to do it. I cannot operate on the basis of proclaiming that there is no limit to overtime and that the Garda can do what it wants at any time. If that psychology took hold, we would simply see diminishing returns.

I thank the Opposition Deputies for heeding my call last year to pass the legislation establishing the Private Security Authority of Ireland. The authority is now up and running in Tipperary, its chief executive has been appointed and it is currently putting in place the licensing regime for cash in transit companies. I outlined previously to the House the issues that arose in this area and the 120 day period which I had allowed the banks and cash in transit companies to get their houses in order.

Mr. Costello: Do not give them any time.

Mr. McDowell: I could click my fingers and demand that it be done tomorrow but if it is necessary to buy equipment and to establish new training regimes for the workforce and so forth, time is required. However, I should make clear to the chairmen of the banks, most of whom I know personally and whom I hope will hear my remarks because they keep an eye on what happens in this House, that I am not bluffing about the 120 day period. If they think that on day 119 they can begin to engage in this process, they are greatly mistaken. I urge them to act on this now because I will not hesitate to impose a regime on the banks which will allow me to direct the level of security for which they must pay. This country deserves protection from those who steal large sums of money because it is they who will later take other people’s lives and invest the proceeds in drugs.

Acting Chairman (Mr. Carey): We must move to the next question.

Mr. J. O’Keeffe: May I ask another supplementary?

Acting Chairman: No, it will soon be time for ordinary questions and other Members wish to speak. In the interests of all Members, we must proceed.

Mr. J. O’Keeffe: I just wish to make two points.

Acting Chairman: We must proceed to Question No. 7.

Garda Investigations.

7. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform the reason for the difference between his statement of 12 April 2005 that the review of the case of the assassination of Sinn Féin Councillor Eddie Fullerton cannot be completed until the Garda receives full co-operation from the British authorities and the PSNI and subsequent denials by the PSNI and the Northern Ireland Office that they are responsible for the delay. [16362/05]

Mr. McDowell: There is no difference between my reply to certain parliamentary questions on 12 April 2005 and the factual position on this matter vis-à-vis the British authorities. On 12 April last, I stated in this House that outstanding issues relate to the awaited results of a mutual assistance request to the British authorities and certain police-to-police inquiries with the Police Service of Northern Ireland. However, an administrative difficulty has subsequently emerged relating to the processing of the original mutual assistance request. We made the request and it was sent by registered post. Unfortunately, the request when posted was apparently mislaid on the other side of the fence, not on the Irish side. The original letter of request was forwarded by my Department by registered post on 8 December 2004 to the judicial co-operation unit at the Home Office, which acts as the central authority for such requests in respect of Britain and Northern Ireland. As no response was received, a number of reminder letters issued from my Department to that unit.

In response to these reminders, a fax message was received from the Northern Ireland Office, London, on 15 April 2005, three days after I made those remarks in the House, stating that neither that office nor the judicial co-operation unit had any record of receiving a mutual assistance letter of request in the matter. In reply, on the same day, my Department forwarded by
registered post and by fax a copy of the original letter of request, together with copies of reminder letters, directly to the Northern Ireland Office, London. My Department asked that the request be executed as soon as possible.

I confirm that in a fax message received on 6 May last from the Northern Ireland Office the Assistant Chief Constable of the Police Service of Northern Ireland stated that our request is under consideration. With regard to the separate police-to-police inquiries, I am informed by the Garda authorities that the results of these inquiries are still awaited. In summary, it appears that my Department’s original mutual assistance request somehow, regrettably, went astray on the other side but that our resubmitted request is now under consideration by the British authorities. The separate police-to-police inquiries remain outstanding.

As I previously stated, no final conclusions can be made about the inquiry until such time as the British and Northern Ireland authorities’ responses are received, evaluated and acted upon, as appropriate, by the Garda Síochána.

Aengus Ó Snodaigh: That clarifies some of the matters I wished to raise. It is strange that on the same day the Minister got the confirmation, 15 April, an article appeared in the Irish Independent stating that the PSNI had not received that request. When was a request made prior to that? Was a request for help made to the British authorities at the time of the assassination in 1991, in April 2002 when the family again called on the Donegal gardaí for a proper investigation or in June 2003 when the inquiry began again? Was the request outlined by the Minister the only one made? What is the timeframe for the British authorities to respond to the most recent request? Will we have to wait for as long as we did in the case of the Dublin and Monaghan bombings and then get a negative response? Will the Minister publish the interim report if the additional information is not available from the British authorities? In a previous reply the Minister said he will not publish the final report. What are the reasons for that?

Mr. McDowell: I do not intend to publish the interim Garda report which I received some weeks ago or the final results of the Garda investigation. However, I have undertaken to contact the Fullerton family’s solicitors with a full response to their concerns, including action I deem appropriate or necessary by way of further investigation. I reject categorically suggestions, one of which was made in public, that I sought to misrepresent anybody in my reply to a debate on the Adjournment of the House on 13 April 2005. In that reply I first confirmed that the Garda authorities had interviewed the person characterised as a key witness by the Fullerton family solicitors, despite occasional claims to the contrary and, second, I informed the House that person could no longer stand over the statement he made to the Fullerton family’s solicitors and, instead, had made a new statement to the Garda review team. A number of discrepancies were identified between the person’s statement to the Fullerton family’s solicitors and his responses to the Garda review team. In particular, the review team noted that in his original statement to the RUC on 30 May 1991, the person made no reference to the fact that he had a meeting with RUC and Garda officers. These are statements of fact, nothing more and nothing less.

Departmental Properties.

8. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that the enormous expenditure of taxpayers’ money on asylum seeker accommodation and services and the legal process is fully justified and properly and efficiently expended and that all appropriate procurement procedures are properly followed; and his proposals for an independent examination of the system with a view to reporting on the current arrangements and establishing a more open, transparent, efficient and cost effective process. [16226/05]

Mr. McDowell: I assume the Deputy is referring to the four properties purchased in 2000 by the Office of Public Works to accommodate asylum seekers in Rosslare, Carlow, Donnybrook and Macroom, which were not brought into use together with the leasing arrangement entered into by OPW in 2002 for the construction of a custom built accommodation facility in Kilkenny.

I will set out the circumstances that gave rise to the acquisition in 2000 of these and other properties by my predecessor through the OPW together with other accommodation facilities to accommodate asylum seekers to give as full a picture as possible. In the autumn-winter period of 1999-2000, the number of people entering the State to claim asylum increased threefold when compared to the early part of 1999. The number who claimed asylum in the first three months of 1999 was 826 while in the last three months of the year, the number had increased to 3,278.

In a matter of months a situation which was manageable had become virtually unmanageable. Moreover, there was no way of predicting this, as it was, and still is, entirely demand driven. The State is obliged in domestic law under the 1951 Geneva Convention to have in place arrangements to process each and every application for asylum, irrespective of how many may apply. In November and December 1999, lengthy queues of asylum applicants, including infant children, outside the Office of the Refugee Applications Commissioner were a daily occurrence. Over that period, and into early 2000, almost 500 children were included in the numbers of persons applying for asylum. Queues began forming at 6 a.m. and remained in place until 8 p.m. Health board staff, who at that stage had the task of accommodating newly arriving asylum seekers, were faced with the difficulty of trying to find accommodation for,
sometimes, up to 100 men, women and children a day. On some nights, applicants had to be turned away because no accommodation was available. At that time there were also reports in the media of asylum seeker families having to sleep in two Dublin parks.

Quite clearly the situation had reached a critical stage. Accommodation facilities in the Dublin area had been exhausted and the number of persons travelling to the State to claim asylum had reached a level which was unthinkable six months previously.

Additional information not given on the floor of the House

During this period the Government had been considering this issue with a view to identifying urgent and badly needed solutions. The situation was also giving rise to grave concern to the UNHCR with the result that its then representative in Ireland indicated to the former Minister that it would support such extreme measures as the accommodation of asylum seekers in tents in the absence of other solutions. In so doing, the UNHCR, while acknowledging the seriousness of the situation in an accommodation market which had been exhausted, also made it clear that the State had both a legal and moral obligation to ensure that newly-arriving asylum-seekers were accommodated. The situation was such that the option of using tents was urgently considered in association with the Defence Forces. Senior management from the directorate for asylum support services — now the Reception and Integration Agency — travelled to the Netherlands to assess, among other accommodation options, tented pavilions. However, tented accommodation had to be ruled out after detailed assessment on fire safety grounds.

The Government decided that from April 2000 the system of direct provision and dispersal should be introduced to address the needs of asylum-seekers. The reason for the lead in for that decision to come into effect was to enable accommodation and related facilities to be identified, procured and readied for use and to mirror the implementation of a similar system in the UK with whom we share a common travel area. However, the ongoing daily pressure of finding accommodation for newly arriving asylum seekers meant that, in reality, there was virtually no lead in period for identifying suitable accommodation options.

Moreover, the Government also decided that the task of arranging accommodation and generally implementing direct provision should be given to a new cross-departmental directorate for asylum support services within the Department of Justice, Equality and Law Reform. The OPW was also assigned the task of assisting the directorate in this regard. Immediately the directorate set about the task of procuring suitable accommodation throughout the country.

At that point, it had two key objectives. The first was to identify accommodation facilities throughout the State which could be brought into use immediately to deal with the large numbers who continued to arrive every day. In that regard, the pattern established in the second half of 1999, when the number of new asylum-seekers was at about 1,000 per month, continued into the new year and almost 5,500 new applications were made in the first six months of 2000. The second key objective was to identify properties which could be made available in a slightly longer timeframe, that is, to meet the anticipated demand in the latter part of the year. In March 2000, the Government decided that, over time, a mix of accommodation solutions should be put in place to give effect to the system of direct provision and dispersal. The mix decided by the Government was as follows: permanent accommodation, 4,000 places; system-built or prefabricated buildings, 4,000 places; mobile homes, 1,000 places; flotels, 1,000 places; and the commercial sector, 2,000 places.

During 2000, a total of 69 properties were brought into use to accommodate newly arriving asylum seekers under the system of direct provision. During this time, nine of these properties had been purchased by the OPW and these comprised of six hotels, one hostel and two premises which had been in institutional use. A further three facilities were developed on State-owned sites as mobile home centres.

Planning requirements in respect of these State-owned facilities were addressed by the making of ministerial orders under the Local Government (Planning and Development) Act 1993 in respect of two hotels and three mobile homes sites. In the case of the other four properties no change of planning status was required. These orders were made on foot of clear, unequivocal and unambiguous legal advice from the Office of the Attorney General. At no stage in the procurement of properties for rent, lease or purchase did the RIA act without the prior advice or contrary to the advice of the Office of the Attorney General.

While there was hostility and objection to the arrival of asylum seekers in some of the communities where these facilities are located, no legal challenge was mounted by the communities to the validity of the planning mechanism used. Controversy and significant local opposition arose almost immediately in respect of some of these properties — both State and commercially owned — with local communities expressing fears about the arrival of asylum seekers in their neighbourhoods. However, these difficulties were addressed by compromise in all cases where they arose except of course in relation to four properties which had been purchased, where compromise proved elusive.

Sustained and repeated efforts were made to address the concerns of local residents in the areas where these properties are located but without success. Local interests in Macroom and in
Donnybrook exercised their right to challenge the use of the properties through the courts on planning grounds. The proposed use of the premises in Macroom remains the subject of legal proceedings while in the case of the premises in Donnybrook, Broc House, judgment in favour of the respondents was delivered on 30 April 2004. Having regard to the substantial financial outlay that would be required to bring Broc House up to current regulatory standards, the time lag before the works could be completed and a review of the RIA accommodation portfolio in September 2004, it was determined that Broc House was no longer required for the accommodation of asylum seekers. Discussions are ongoing between the OPW and the Health Services Executive for its use as a community-based health care facility.

In the case of the hotel in Macroom it was determined on foot of a review of the RIA accommodation portfolio that it was no longer required for the accommodation of asylum seekers. In the light of this review, the RIA requested the Office of the Chief State Solicitor to make contact with the residents' solicitors with a view to brokering a mutually acceptable agreement. Discussions on the matter are ongoing.

Asylum seekers have been accommodated since early 2000 in hotels and former institutional-type facilities without problems on the planning front. These include ten properties owned by the State and 120 properties which are or were procured on a commercial contract for services basis. In the case of the property at Myshall, County Carlow, significant local opposition manifested itself as soon as it became known that it had been purchased by the State to accommodate asylum seekers. There was very serious concern about maintaining the safety of asylum seekers in that location. In March 2001, the Department of Health and Children was being pressed to provide a facility for autistic children and RIA advised that, in the particular circumstances, it was no longer proposed to use the building as an asylum seeker accommodation centre and that it could be developed for the proposed alternative use. The property was transferred to the Department of Health and Children for no consideration in 2002.

As regards the property at Rosslare Harbour, this was purchased for use as a reception centre for all asylum seekers arriving in Rosslare. The situation in Rosslare had become critical because, at that time — 2000 — the number of asylum seekers arriving off ships there was almost equal to the number who made their claims at Dublin Airport. The Devereux Hotel presented a ready made solution and was available for immediate occupation which, given the numbers arriving at the port, was a key factor. However, due to the introduction of a number of initiatives by the Garda National Bureau of Immigration, in cooperation with the French Immigration authorities, the number who applied fell from a high of almost 1,500 in 2000 to less than 100 in 2001.

Since then the number of applicants in Rosslare has remained low. Notwithstanding the fall-off in numbers applying at Rosslare, a 24-hour picket was placed on the premises and it was made clear that any attempt to accommodate asylum seekers would be resisted to the point of physically blocking the entrance. In September 2001 the OPW was advised that, in the light of the completely altered circumstances in Rosslare, the property was no longer required as a reception centre for newly arrived asylum seekers and I am informed the OPW has sold the property.

In the more recent case of the Kilkenny site, the use of the planning order was challenged in the High Court. Three of these type of facilities had already been constructed and brought into use in Clare, Cork city and Finglas by that stage and in each case, the planning mechanism which has given rise to the legal challenge in the Kilkenny proposal was used without difficulty. Arising from the review of accommodation by RIA in September 2004 when it was determined that the construction of an accommodation centre of this site was no longer warranted, the proceedings were settled between the parties.

The procurement of suitable accommodation for newly arriving asylum seekers continues to be a significant challenge. Since the system of direct provision and dispersal was introduced, more than 38,000 asylum applicants have been accommodated under this system. The RIA is operating 83 centres in 25 counties accommodating almost 8,000 asylum seekers and it should be borne in mind that it was only in the case of these four properties and the site in Kilkenny that it did not prove possible to achieve community acceptance of asylum seekers.

On the basis of the information available, expenditure on asylum seeker accommodation was necessary. I am satisfied direct provision is a fair, humane and cost effective way of meeting the accommodation and ancillary needs of asylum seekers and the Government has no plans to change the system.

Mr. J. O’Keeffe: The agency concerned spends approximately €18 million per year but it does not publish an annual report. The purpose of my question is to seek an independent examination of the expenditure of those moneys over the years and to focus on the procurement procedures relating to contracts entered into by the agency. There are three issues. The first, value for money, was touched on by the Minister and it needs to be closely investigated.

The second is the lack of an open tender competition in many cases. Given the enormous sums involved, opportunities are presented for "worse than waste" in the system, including opportunities for sweetheart deals. I am aware of circumstances, which suggest at least the possibility of such sweetheart deals having occurred in a number of cases. I would like those cases to be fully investigated by an independent examiner and a report published.
[Mr. J. O'Keeffe.]

The third issue is who are the ultimate beneficiaries of much of this funding. It is ironic but it has been suggested to me that significant criminal and paramilitary figures have, in a number of instances, been the ultimate beneficiaries of the Minister’s largesse through this agency. I also seek an independent examination of this issue. The Criminal Assets Bureau should also be alerted in this regard.

Mr. McDowell: The properties that were the subject of recent controversy were all acquired before I became Minister. There is no question of largesse on my part to anybody in regard to them.

Mr. J. O'Keeffe: I do not refer to them.

Mr. McDowell: If the Deputy has information that money I or my predecessor expended is ultimately going to criminal or paramilitary beneficiaries, I would like to receive it. I will act immediately on foot of such information and try to confirm it. If confirmed, I would take every step to get the CAB to recover such moneys. The House is not the place to discuss these matters but if the Deputy comes to me privately, I assure him I will act with total expedition.

A number of properties are involved, including the hotel in Rosslare. There was a significant flow of people from France to Ireland because Garda immigration officers were not operating at Cherbourg or on Irish-bound ferries and the reason the hotel was purchased was it was the nearest accommodation point that could be thought of at the time. There was a strong local reaction, including threats of unlawful picketing, which made it difficult to operate that premises.

I refer to two other properties — Broc House in my constituency and Kilkenny. Recent publicity about them totally ignored legal challenges that were brought in the courts and injunctions sought to prevent the use of these premises to house asylum seekers. The proceedings relating to Broc House in Donnybrook only concluded recently and, since then, the property has been the subject of negotiation to put it into the health system so that it can be used in conjunction with St. Vincent’s Hospital by the Health Service Executive.

Mr. J. O'Keeffe: I accept the Minister’s offer regarding the ultimate beneficiaries from the criminal and paramilitary world and I will give him my information. However, I am hugely concerned about the possibility of sweetheart deals, which involved information being available from within the agency or by those attached to the agency for the purpose of alerting people on a favourable basis to arrange contracts. No open procurement procedures or tendering process is in place. The reply I received from the Minister last Tuesday on this issue confirmed that the EU open tender competitions rules only apply to management and catering services and do not apply to accommodation, in which I am interested. I still seek an independent examination of the contract procedures and publication of a report on them. The examination, which is necessary, could be conducted by the Comptroller and Auditor General’s office or another independent office.

Mr. McDowell: If the Deputy has information about sweetheart deals, I would like to hear it. If he brings the information to the Committee of Public Accounts, the deals will be fully investigated. However, if I can conduct an investigation sooner than the committee, I will do so. We should be fair and the Deputy will appreciate the open tendering procedure is fraught with difficulty in these matters. At the time these properties were acquired, there was a major crisis.

Mr. J. O'Keeffe: I do not refer to those properties.

Mr. McDowell: If people become aware properties are being tendered to the State, there will be a massive outcry every time such a competition is held because every time somebody says he or she has a property, there will be a major problem.

Acting Chairman: The time allocated for Priority Questions has been exceeded. However, Deputy Cuffe’s Priority Question may be taken now with the agreement of the House.

Other Questions.

Irish Prison Service.

9. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the action he is taking to address the concerns expressed in the Second Annual Report of the Inspector of Prisons and Places of Detention for 2003. [16425/05]

Mr. McDowell: The second annual report of the Inspector of Prisons and Places of Detention is a substantial document, which raises many diverse issues and concerns of the inspector. It would not be appropriate for me to indicate in the course of this reply, the action already taken or being taken to address each item of concern raised by the inspector. The report is very lengthy, but if the Deputies wish me to address any particular issue, I will be glad to do so.

The inspector is not alone in being concerned about living conditions for prisoners in our older prisons and about the shortcomings in prisoner care services and programmes. These are matters that were of concern to me and to the Prisons Authority interim board, prior to the publication of the inspector’s report.

I have set two principal objectives for change in this area. The first is to replace outdated prisoner accommodation, particularly at Mountjoy, Port-
laoise and Cork prisons. The second objective is to control the spiralling prison overtime costs that were absorbing ever increasing amounts of money. This money could be put to more productive use in improving services for prisoners.

Deputy Cuffe may be interested to know that the total overtime budget for 12,200 members of the Garda Síochána was exceeded by the overtime budget for 3,300 prison officers. This was cannibalising resources which should have been spent on the improvement of our system.

The second annual report of the inspector refers specifically to the need to replace Mountjoy and Portlaoise prisons and following a visit to Cork prison, the inspector expressed the view that this institution should also be replaced. Significant progress is being made in each case. Following conclusion of a recent tender competition, it is hoped work will commence shortly on the provision of new accommodation at Portlaoise prison, as the next phase of the redevelopment works in that location. As members of the House are aware, a contract was recently concluded for the purchase of an extensive site at Thornton, County Dublin, for a new prison campus to replace the existing prisons on the Mountjoy campus. Furthermore, planning is well under way for development of a new prison on Spike Island to replace Cork prison. These are major undertakings involving the replacement of almost 40% of the entire prison estate. They will take a number of years to complete, but I intend to ensure that they will proceed as quickly as possible.

Members will be aware from my replies to successive questions about the measures being taken to control prison overtime costs, with the intention of ensuring that taxpayer moneys are used to best advantage. The current level of prison officer overtime is unsustainable and I am determined to pursue cost control measures to ensure that a greater portion of the prisons Vote is available for improvement in services to those in custody.

Some improvements are taking place already. For instance, the shortage of psychologists as identified by the inspector has been addressed by the recruitment of six additional psychologists to improve services to Mountjoy, Dóchas, St. Patrick’s, Cloverhill, Midlands and Cork prisons. Another new psychologist will take up duty at Arbour Hill prison on 30 May and it is planned to hold another recruitment competition for clinical, forensic and counselling psychologists later this year.

Apart from his concerns about prison conditions, the inspector has also referred to the need for new prisons legislation. The question of a comprehensive new Act covering all matters relating to the prisons is included in my Department’s legislative work programme but it will be some time before such comprehensive legislation can be completed and unfortunately, there are other issues of higher priority.

The inspector also referred to the preparation of a booklet on prison rules. I have decided that the 1947 prison rules need to be replaced in their entirety and I will publish my proposals shortly in this regard.

Mr. Cuffe: I am concerned that the Minister is cherry picking from the report because, for example, the inspector did not state emphatically that Mountjoy should move to a new location, but left open the possibility of it being replaced on the same site.

The main recommendation of the report is that there should be an independent prison inspectorate. That is not a new recommendation, but was included in the Government’s response to the committee for the prevention of tortures in 1998. Six years have now passed since the Government stated that there would be an independent prisons inspectorate. My worry is that currently the prison inspector has to report to the Minister for Justice, Equality and Law Reform and the publication of his or her report is at the whim of the Minister. Why is the Minister afraid to allow an independent prison inspectorate and why is he delaying the promised Bill? The Bill was promised five years ago but the current programme for this Dáil session does not specify a time frame for its introduction.

I am concerned that the Minister is cherry picking aspects of the report, some of which have been discredited. For instance, it is suggested that privatisation was a positive development in the UK. However, the report on which this assertion was based was prepared by a person who was working for a private prisons contractor.

Why has the Bill been delayed and why has an external review of the management of our prisons not been commissioned? There is a danger in proposing major changes in the prison service, as the Minister is doing, without an external review. An independent prison inspectorate must be put in place, whose report is not subject to the political vagaries of whether the Minister wishes to publish it. We also need an inspectorate that would ensure that the prison visiting committees are outside the realm of political patronage.

Mr. McDowell: Deputy Cuffe will be happy to know that I intend to make provision for an independent prison inspectorship in the new prison rules, which will be published in the coming weeks.

On the question of my role regarding the inspector’s reports, having considered them it has been my habit to publish them. The only circumstance that has prevented me from publishing all of his reports was legal difficulties relating to some material contained in one of the reports. I was obliged to seek independent legal advice from the Attorney General and rather than censor the inspector’s report. An independent counsel excised the portions of it that were potentially defamatory.

I have received the third report of the Inspector of Prisons and Places of Detention and I intend to publish it within two weeks. Deputy
Cuffe may be surprised by the contents of that report concerning the issue of private involvement in the running of prisons.

Mr. Cuffe: I am concerned about the source that was quoted from within the Second Report of the Inspector of Prisons and Places of Detention, namely the Serco Institute. The institute has been discredited as an independent source of advice on the issue of privatisation of prisons.

I appreciate the Minister’s concerns about overtime and agree that it is a problem that must be addressed. However, it should not be addressed in a face-off situation with prison officers. The Minister must undertake a process of sweeping and radical reform of the prison service to remove the mantra of secrecy that was raised by the inspector in his report.

Mr. McDowell: No other Minister is engaging in more radical reform than I am.

Mr. J. O’Keeffe: The Minister is constantly talking about engaging in radical reform.

Mr. McDowell: I reiterate my point that Deputy Cuffe may be surprised when reads the third report of the Inspector of Prisons and Places of Detention where it refers to private involvement in the running of prisons.

Coroner Service.

10. Mr. Sherlock asked the Minister for Justice, Equality and Law Reform the progress made in implementing the report of the working group on the Coroner Service published in December 2000; if his attention has been drawn to the difficulties created for coroners by the lack of appropriate penalties for those who refuse to attend when summoned to attend inquests; when the promised legislation to update the Coroners Act will be introduced and enacted; and if he will make a statement on the matter. [16154/05]

28. Dr. Cowley asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the inadequacies and limitations of the Coroners Act in helping establish a proper course of action to address issues of very serious concern; if his attention has further been drawn to the outcome of two recent inquests relating to the deaths of two persons; the steps being taken to address the serious risk to public health resulting from such deficiencies in the Coroners Act; the progress being made towards reform of this Act; and if he will make a statement on the matter. [15238/05]

Mr. McDowell: I propose to take Questions Nos. 10 and 28 together.

The report of the coroners review group, published in December 2000, recommended a comprehensive overhaul and modernisation of the coroner service in Ireland, with regard to the legislation governing the work of coroners, the support services available to coroners and the structural organisation of the coroner service.

The proposed new Coroners Bill will seek to address the issues highlighted by the review group as well as taking account of any significant developments since then. Necessary consultations with interested parties, including consultations with the Coroners Society of Ireland, are ongoing.

I intended to publish the heads of a Coroners Bill in March but unfortunately the officials who were due to work on this were engaged in the preparation of the Defamation Bill, which took longer than anticipated. The Coroners Bill has been somewhat delayed but I intend to bring detailed proposals to Government shortly, providing for the comprehensive reform of the coroner service. The new legislation will replace the Coroners Act 1962 with significantly updated provisions. My proposals will address the scope of the coroners death investigations and the necessary procedures required.

My Department is also considering whether new structures will be necessary to achieve a comprehensive reform of the coroner service. There are two broad issues here, namely the future structure and administration of the coroner service, including the optimum number and nature of coroners, whether they may be full-time or part-time or a combination of both and the best approach to achieving the necessary central focus and management for the reformed coroner service.

I share the Deputies’ concerns to ensure cooperation of persons when summoned to an inquest. The proposed new legislation will make provision for increased sanctions for those who refuse to co-operate with the proper conduct of an inquest. It will also end the restriction in inquests on the number of medical and other witnesses.

Mr. Costello: Would the Minister agree that the coroner service is the Cinderella of the legal services? The manner in which the service is treated is disgraceful. The report of the working group on the coroner service was published in 2000. The Minister and his predecessor promised new legislation but he now tells us this has been delayed. We must now wait and see when it will be produced and in the meantime operate under the old Coroners Act 1962.

Last month we saw where a person engaged in alternative therapy refused to attend the inquest on one of her patients. In 2001, the same person had refused to attend the inquest on another of her patients who died.

The only penalty in the case of non-attendance is €6.35 and, effectively, a person intimately and profoundly involved in the life and death of a citizen is not obliged to attend the inquest on the death of that person. Does the Minister agree that this is an outrage with which he should deal? Witnesses so intimately involved must be compelled to attend inquests.
As the Minister and any of us who have attended coroners’ courts know, all coroners can do is examine the physical and medical circumstances surrounding the death. They cannot investigate the circumstances themselves. This means the inquest is a limited procedure. The recommendation was for a broader and more comprehensive procedure, but the issue has been lying idle for the past five years with nothing done about it, which is a scandal.

The State Laboratory has never had adequate resources to carry out tests on time. This means that loved ones waiting for an inquest on those who died must wait longer because the State has failed to invest resources in this area. Does the Minister agree that the coroner service is the Cinderella of the legal service? This is not good enough.

Mr. McDowell: I agree with the thrust of the Deputy's remarks but not with how he expressed some of them. Reform in this area is long overdue. The Coroners Act was introduced in 1962 and even then was unduly restrictive and problematic. Now in 2005 the time is long past for reform of the coroner service.

The choice that confronted me was whether to produce what is called a break-out Bill to provide for an increase in penalties and powers of compulsion for witnesses or to proceed with a Bill which would deal with the wider second issue raised by Deputy Costello. Rightly or wrongly, I came to the view that a break-out Bill would take more parliamentary time. It was also extremely unlikely that, in my time as Minister, I would succeed in bringing through this House two separate coroners Bills. I intend to address the issues in a single Bill. I hope to have the text of that Bill before the Government and to have it in the House in the autumn of this year. I could have chosen to take the other route and introduced a two or three-section break-out Bill. However, I believe that had I done so, I would never have brought the second coroners Bill before the House and would only have done a sticking plaster job on the existing inadequate system and would not have carried out the fundamental reform necessary to upgrade the coroner service.

Mr. J. O'Keeffe: The central issue arising from the review is whether coroners’ powers should be extended. What powers does the Minister think coroners should have? Deputy Costello referred to the coroner service as the Cinderella of the legal service. I note from the figures that will be discussed tomorrow at the Committee on Justice, Equality, Defence and Women’s Rights that €110,000 is the total annual allocation for the coroner service, which certainly leaves it in the half-penny place. If we really want to give the service a role and function, it must be funded.

Mr. McDowell: The figure of €110,000 is misleading because many coroners’ salaries come from Departments other than mine. On the issue of the powers of coroners, in the past we had an overly timid approach to their powers. As the Deputy will recall, when suicide was a crime, it was held by the courts that a coroner could not find that suicide was the cause of death because it was an imputation of criminality against the person who committed suicide. That was an absurdity because it turned a limited jurisdiction to investigate the circumstances of a death into a ridiculous charade with regard to how to deal with a suicide case, cases of which are very sensitive from the point of view of the family etc.

Mr. J. O'Keeffe: I want to know about their powers now.

Mr. McDowell: There should be a broader power than simply saying, for example, that somebody died of asphyxiation. The analogy for a coroners court is not an adversarial court; it is more like a standing tribunal into unnatural deaths or suspected unnatural deaths. A tribunal can make a finding which is of significance and which the public can understand, but it does not have legal consequence in terms of conviction. People do not stand convicted or whatever on foot of a tribunal’s decision. On the other hand, the public expects to get the full facts and truth rather than a narrow, medical cause of death verdict. I agree with both Deputies that we must address the issue and I intend to do so.

Mr. Costello: Will the Minister clarify the situation regarding resources for the State Laboratory? Will it get enough?

Mr. McDowell: I share Deputy Costello's concern that on occasions the sufferings of people whose loved ones have died have been aggrieved significantly by the fact that pharmacological tests are conducted simply to exclude the possibility of overdose in circumstances where it is only a technical possibility. These people must wait months to receive the results of those tests before a proper post mortem can conclude. I agree these tests should be capable of being expedited in a manner fair to everybody involved.

Prisoner Escort Services.

11. Mr. Quinn asked the Minister for Justice, Equality and Law Reform his proposals for the privatisation of prisoner escorts; if he has satisfied himself that such important work can be entrusted to the private security sector; and if he will make a statement on the matter. [16145/05]

Mr. McDowell: The Deputies will be aware that the recently published Prisons Bill 2005 contains provisions which will enable the Minister for Justice, Equality and Law Reform to enter into an agreement with another party for the provision of prisoner escort services. This legislation will be enacted without delay.

Arrangements to invite tenders for the outsourcing of this service will proceed in parallel. This has already begun with the publication in the
[Mr. McDowell.]

EU Journal of a preliminary indicative notice, PIN, so that the time needed to complete the tendering process can be minimised. I expect that a contract following this process will be signed by the end of September. This will have a major impact on overtime expenditure in the prison service given that approximately 30% of all overtime earnings is attributable to prisoner escorts.

The unpredictability of escorts leads to a considerable degree of disruption in the day-to-day running of prisons and the routine of inmates and causes considerable difficulties for prison management in operational planning. In the current context of the absence of an agreement on the change needed for a more efficient prison service, the utilisation of highly trained staff resources by both the Garda Síochána and the Irish Prison Service in the provision of a non-core activity warrants review. I have no doubt that elements in the private security industry would be better placed to provide this service in an efficient and effective manner.

The provision of prisoner escorts by the private sector has been a feature of the criminal justice system in neighbouring jurisdictions for some time. The engagement of dedicated prisoner escort providers utilising the appropriate cellular vehicles has allowed the prison authorities in those jurisdictions to focus on their core activities, namely, the safe and secure detention of offenders with a focus on returning these individuals to society in better shape than when they first encountered the criminal justice system.

My decision to proceed with the contracting out of prisoner escorts should also be seen in the context of increasing regulation of the private security industry, particularly the licensing requirements contained in the Private Security Services Act 2004 and the creation of a private security authority.

The background to my decision to proceed with the contracting out of prisoner escorts is well known.

Additional information not given on the floor of the House.

It has long been recognised that the huge level of expenditure on overtime in the prison service is not sustainable and must be reduced. Unfortunately, when Deputy Costello’s party was last in Government, it did nothing to tackle the problem which diverts much needed funds from important projects such as prisoner rehabilitation programmes and an accelerated prisons building programme.

Since I took office in 2002, I have allowed ample space and time for a mutually acceptable negotiated settlement to be reached between the Irish Prison Service and the Prison Officers Association. Following the rejection of the earlier offer in October 2003, I agreed to use the full range of industrial relations machinery available in the State, including the conciliation services of the Labour Relations Commission and the ultimate arbitration facilities of the Civil Service Arbitration Board. That process continued over a 16-month period and involved long and difficult negotiations leading to a substantial arbitration award recommendation. The deal included an 8% pensionable arbitration allowance and the payment of a lump sum of €13,750. Unfortunately, the members of the Prison Officers Association did not follow the recommendation of their own executive and decided to reject the proposal for organisational change in the prison service.

While I understand that the Prison Officers Association believes that the proposal for organisational change can be tweaked on a cost neutral basis, it needs to be clearly understood that no Minister can be in the business of renegotiating a proposal which has already been arbitrated upon by the Civil Service Arbitration Board. As the Deputy knows, the arbitration process is the end of the line. I cannot compromise the integrity of the industrial relations process which has served us so well and must continue to serve our public services into the future. I have already made it clear in the House that I will consider any detailed proposals which the POA may wish to put forward in writing which are not incompatible with the issues already considered by the arbitrator.

In the meantime, I intend to proceed apace with the agenda already approved by Government to ensure that the prison service is run as efficiently and cost effectively as possible. That agenda, which includes the contracting out of prisoner escorts, is now in place and, as I have already indicated, steps to implement it are already under way.

Mr. Costello: Does the Minister agree that the background to the Bill — the proposals to outsource prisoner escorts and provide prisoner escort services on a private basis — has been marked by his ongoing conflict with prison officers about the issue of overtime? The Minister has contemplated the legislation on that basis alone. He has closed three prisons and a further two prisons are about to be closed. The Minister has adopted a gung-ho approach to industrial relations, for example by telling prison officers that they cannot beat City Hall and deciding not to attend their conference. The staff of the places of detention at Spike Island and the Curragh protested outside the Dáil today against the Minister’s approach. Some of them were joined by members of their families, who are aggrieved about the manner in which children will be torn from their parents, who will have to work in other parts of the country such as Portlaoise and Cork. The Minister plans to move them to various parts of Dublin in the future.

The Minister said that the Exchequer faces substantial costs because “approximately 30% of all overtime earnings is attributable to prisoner escorts”. Has the Minister received an estimate of the cost of his proposals? Will he give such figures now? Does he agree that he should sit
down with prison staff during the current window of opportunity? There is no difference between the positions of the two sides on the savings that would accrue from the reduction in the annual number of hours. Prison officers do not agree that 10% of those hours should be worked by all the officers. Many officers with young families do not want to work overtime, but their colleagues are willing to do so. I ask the Minister to address that issue as a means of making progress, rather than privatising a part of the Prison Service.

Mr. J. O’Keeffe: I have been careful when making public statements about this problem, which needs to be resolved. Having spoken to many prison officers, formally and informally, I firmly believe that the difficulties can be resolved in the current climate of resolution. During such discussions, I have made it clear that any resolution should be reached within the financial envelope that has been offered by the Minister. The officers have accepted that the financial envelope should not be exceeded. In that context, does the Minister agree that he and his staff should engage in discussions with the Prison Officers Association, especially as the current mood favours the resolution of this dispute? The association is preparing a document, the contents of which will be within the parameters I have mentioned, to be submitted in the next couple of days. Given that many problems could arise if this dispute gets worse, does the Minister agree that he should avail of the current opportunity, within the parameters in question?

Mr. McDowell: I do not want to discuss this matter in public in a way that would do more harm than good.

Mr. J. O’Keeffe: Good.

Mr. McDowell: I have been very committed to this process and I have shown great patience. If the Deputies knew exactly what I have done and what I have forborne from doing to bring about an agreed conclusion to this process, they would be surprised.

Mr. Costello: I invite the Minister to surprise us.

Mr. McDowell: I am not in the business of renegotiating a deal that was reached through the public service arbitrator. If I were to do so, I would be setting a horrific precedent. It was clear during the frank discussion I had with the prison officers’ executive, which was friendly on a personal level, that the position is as I have outlined. If the prison officers want me to consider a particular proposition that they consider to be fully faithful to the arbitrated settlement, in effect, I will do so. I would be happy to consider a proposition that improves the settlement, without doing violence to it.

Mr. J. O’Keeffe: That is fair enough.

Mr. McDowell: I do not intend to re-enter negotiations with prison officers. There will be no more discussions. If they wish to make a proposal, they can put it to me in writing and I will decide whether to accept it. I expect any proposal that is made by prison officers to command acceptance among them. I will not negotiate with them for a third time.

The measures I am taking are proceeding. I assure every prison officer that I am pursuing a certain course of action. The officers were told by their executive that I would proceed with that course of action if they rejected the settlement. If prison officers want to call this process to a halt by producing a proposal that does not do violence to the arbitrated settlement and does not involve an increase in expenditure, I will consider such a proposal. I will accept such an agreement if I agree with prison officers that it represents an improvement on the existing settlement. That is as fair as I can be without destroying the State’s industrial relations machinery.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

Acting Chairman: 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 Costello — the need for the Minister of State with responsibility for the Office of Public Works to outline his plans to prevent flooding along the River Tolka and the Royal Canal; (2) Deputy Sherlock — the implications for labour relations and employment policy of the decision of Galty Meats Limited in Mitchelstown to ask workers to cut their pay; (3) Deputy Michael Moynihan — the need to ascertain whether the Department of Justice, Equality and Law Reform proposes to continue to provide financial support for the Tír na nÓg child care facility in Ballydesmond, County Cork; (4) Deputy Kirk — the need for the Minister of State with responsibility for the Office of Public Works to state whether he will initiate a review of section 25(1) of the Church Temporalities Act 1869; (5) Deputy Keaveney — the need for a scheme of ongoing funding for playgrounds; (6) Deputy Pat Breen — the extent to which the recent guidelines issued to local authorities for sustainable rural housing extend to other bodies which may have a policy of objecting to one-off housing; (7) Deputy Ring — the need for the Minister of Education and Science to state whether discussions have taken place about the acquisition of a site for Gaelscoil na Cruaithe in Westport; (8) Deputy Seán Ryan — the need to provide a metro line to Dublin Airport, with an extension to Swords and a new station at Spencer Dock; (9) Deputy Cowley — the need for the Minister for Finance to intervene to correct an anomaly whereby older people are being included in a Revenue Commissioners trowl that goes back 25 years; (10) Deputy Connolly — the
[Acting Chairman.] need for the extension of the rural transport initiative to serve north Monaghan; and (11) Deputy Neville — the need for the Minister for Health and Children to respond to a report, Perceptions of Ageism in Health and Social Services in Ireland.

The matters raised by Deputies Keaveney, Cowley, Sherlock and Ring have been selected for discussion.

Leaders’ Questions.

Mr. Kenny: I will not start to speak until the Minister for Finance has taken his seat.

Mr. F. McGrath: He has a safe seat.

Mr. Kenny: Members may not realise that today is the third anniversary of the re-election of the Government. It is obvious that the Government was re-elected on the basis of clear and specific promises, some of which I will mention. Although it promised to end hospital waiting lists within two years, the most recently published figures indicate that approximately 27,000 people are on waiting lists. It promised to reduce the rate of inflation, but Ireland is one of the most expensive countries in Europe. The Government, which has belatedly realised that it has been fostering this country’s rip-off culture, will make an announcement in that regard on Wednesday. It promised an improvement in facilities in accident and emergency departments, but the crisis in that regard has worsened to the extent that 368 people were on trolleys in our hospitals in a single day. The Minister for Justice, Equality and Law Reform promised 2,000 extra gardaí——

Mr. McDowell: They are coming.

Mr. Kenny: ——but just 80 have been delivered in each of the past three years.

Mr. Costello: They are coming, just like Christmas.

Mr. Kenny: The Government promised to keep taxes down, but instead it has delivered 34 new stealth taxes. I could refer to the failure to deliver a new terminal at Dublin Airport, to complete the introduction of the penalty points system for road traffic offences and to deal with the issue of class sizes.

As the Minister with responsibility for this country’s purse strings, does the Minister for Finance accept that the Government’s record comprises a series of missed chances of enormous proportions? This tired and jaded Government shoves the same old problems aside because it is unable to deal with them. Does the Minister, Deputy Cowen, not accept some responsibility for the overrun of €4 billion in the cost of transport infrastructure? Although overspending on medical cards has doubled, 61,000 fewer people are in receipt of medical card cover. After eight years in power, three of which have been since the last general election, does the Minister agree that the matters I have mentioned constitute a sad indictment of a Government that has lost its way? Some members of the Government have become arrogant and distant from the electorate. They are looking forward to a long rest in opposition, after the people give their verdict at the next general election, because they are tired and jaded.

Minister for Finance (Mr. Cowen): It is obvious that the third anniversary of the Government’s election has upset greatly the Leader of the Opposition. Based on what the House has heard from Deputy Kenny, it seems that he has a dull view of the world. I do not agree that the investments being made by the Government are not required. I do not accept what he had to say in regard to the state of the economy and country. In a whole range of areas, we are experiencing real improvements. The Deputy referred to transport. There was no public investment in railways or anything else by the outgoing Government before the Fianna Fáil-PD Government took office in 1997. In fact, a railway safety programme was necessary before we could have a railway development programme because the railways had been left in an unsafe condition.

Last weekend I attended a European Union meeting. The EU unemployment rate is averaging 9% and the estimated growth in the European economy is approximately 2% for this year. In the same period, the Irish economy is expected to grow by 5% while unemployment remains at 4.5%. That is better testimony to the management of the economy than the other issues raised. I remind the Deputy that the programme for Government is for a five year period. I have not heard of a Government which was able to complete a five year programme in three years. We intend to complete the programme in a five year period.

Mr. Kenny: It is typical of the responses of Ministers of this Government that they do not accept responsibility for what is happening. I did not disagree with the Minister that these measures were not required; they are required. However, the Minister is in charge of the purse strings. The Comptroller and Auditor General’s recent report stated that transport schemes have overrun by €4 billion yet nobody accepts responsibility for this. This happens right along the line. The Minister for Justice, Equality and Law Reform promised 2,000 extra gardaí.

Mr. Timmins: They are still coming.

Mr. Kenny: The former Minister for Transport, Deputy Brennan, repeatedly talked about speed cameras, Dublin Airport and various reports. The Minister for Transport, Deputy Cullen, was left with the business of €60 million for electronic voting, which was apparently passed by his prede-
The absent former Minister for Health and Children, Deputy Martin, refuses to accept any responsibility for a €2 billion charge——

Mr. Durkan: Or for anything else.

Mr. Kenny: ——on the public purse arising from his refusal to live up to his ministerial responsibilities or to consider what his brief was when the Secretary General of the Department told him on the steps of the Gresham Hotel, or otherwise, that he should have followed the matter through.

Everybody accepts that we have a strong economy, created on the backs of the workers of Ireland and the multinational firms that built the Celtic tiger. However, with regard to value for money, reform of public services and the fact that the health service employs 30,000 people but only 5,000 of these work in the front line, there is appalling waste and misuse of public funds. The Minister for Finance has failed in his central duty to give value for the people's money — a bang for their buck — and the Government has failed to be one of competency and professionalism, or to deliver major projects on time and on budget. There is no point stating that the Opposition has a dim view of the world — we do not. We accept that these projects are required but they are not required at exorbitant expense to the tax-payer. The Minister for Finance is charged with the responsibility for financial allocations. As a corporate unit, the Government has failed miserably.

Mr. Cowen: I do not agree, for obvious reasons. To compare the final cost of projects with the costs estimated before the project concepts went to the planning stage is a ridiculous and objectionable line of argument. The Comptroller and Auditor General’s report concluded that real project cost overruns due to underestimation was less than 20%, in line with quoted international trends. We will point out in the debate which will begin later today what steps the Government is taking to deal with those issues as a policy matter. I make the point to Deputy Kenny that we have been engaged in a modernisation programme in a whole range of areas, including education, health and otherwise, which will be outlined in the debate today and tomorrow. That debate will provide an opportunity for Members to put their case on the public record, hopefully without being subject to the name-calling that has already started.

Mr. Rabbitte: It is about time the Minister demonstrated a bit of knowledge about his job. He should not distort the figures.

Mr. Cowen: I am not distorting the figures.

An Leas-Cheann Comhairle: The Minister without interruption, please.

Mr. Cowen: Deputy Rabbitte is the best distorter of figures in the business. When Deputy Rabbitte hears something he does not like, he makes us all out to be cretins and clowns. That is his name-calling. It is the way he carries on.

Mr. Rabbitte: The Minister is misrepresenting the Comptroller and Auditor General’s report.

Mr. Cowen: He might do it with others but he will not do it with me. It is the old game with him the whole time.

Mr. Rabbitte: The Minister should not try his pugnacious nonsense on me.

Mr. Cowen: I reiterate that the Comptroller and Auditor General’s report concluded that real project cost overruns due to underestimation was less than 20%, in line with quoted international trends. We will point out in the debate which will begin later today what steps the Government is taking to deal with those issues as a policy matter. I make the point to Deputy Kenny that we have been engaged in a modernisation programme in a whole range of areas, including education, health and otherwise, which will be outlined in the debate today and tomorrow. That debate will provide an opportunity for Members to put their case on the public record, hopefully without being subject to the name-calling that has already started.

Mr. Rabbitte: The Minister will understand why the subject of cancer care services is topical. He will know that there was a protest outside the Dáil last week, organised by various community organisations and cancer sufferers from the south east. Why is there interminable drift of the cancer care strategy? Why did the previous Minister for Health and Children, Deputy Martin, promise the extension nationwide of BreastCheck screening for 2002 initially, and, latterly, for 2005? Neither date has been met. Thirteen counties in the west, the north west and the south continue to have no BreastCheck facility, despite the promises of Deputy Martin. It took Deputy Martin two years to finally publish the Hollywood report on radiotherapy services in 2003. He then commissioned another report, involving international experts, to resolve the issue of radiotherapy services in Dublin. That report was received in January but it still has not been published. Those who are in need of radiotherapy had to come to Dublin last week to protest outside the Dáil. Suitable trans-
Mr. Rabbitte: The stock and trade response to such questions by the Minister for Finance and the Taoiseach is to reel off a number of statistics and refer to when the Opposition was last in office. Patients in pain and in need of morphine and, in some cases, travelling to Dublin from parts of Donegal or Waterford are not interested in the Government playing games with regard to what was in place when I was last in office. I asked when BreastCheck is to go nationwide as announced by the former Minister, Deputy Martin. It was initially announced for 2002, then for 2005. With regard to the southern region, the announcement has been made five times and yesterday the person responsible said that it cannot be put in place before 2008. On behalf of the people for whom this is a cause of acute distress and not political bickering, when will the service be rolled out nationwide as committed to by the Minister for Health and Children? When will the difficulties with regard to location in Dublin and the eastern region be resolved? A report was compiled on the matter in January but no decision has yet been made. Is there any attempt to provide the type of specialised transport that is required for those who must travel long distances from Waterford and other parts of the country while in pain?

This is a policy of drift. I do not know whether the figures listed by the Minister for Finance have been put in place. However, the people in need of these services cannot access them and in many cases it is a matter of life and death. I listened to the people who travelled to protest outside the Houses of the Oireachtas and the services are not in place. That is the issue for them. With regard to the tax incentivised private unit in Waterford, I have no idea about the arrangements which have been entered into with consultants or how it will care for public patients. These are very important and painful issues for many families.
and early detection is essential. There has been no investment in cervical screen testing.

**Mr. Cowen:** I assure Deputy Rabbitte and the House that I am not involved in bickering or playing games with the issue of health. I did not suggest that I was unmoved by the prospect of 85 people at risk of dying or that I was unmindful or disinterested in the fact or that the Government was callous. There is not a policy of drift but a very proactive investment programme in place. It has not yet fully developed the services as we would like, but no one has a monopoly on sympathy or virtue with regard to the matter. I have not introduced any bickering or game-playing. Indeed, a political game is being played regarding the suggestion that there is a policy of drift in terms of what this Government does in economic or social terms. An attempt is perhaps being made by the Opposition to suggest that all this money is a waste of time and resources and has no beneficial effect. However, it does. The appointment of 92 consultant posts since 1997 is not a statistic and represents a level of expertise in the health service that was not available heretofore. It is in place to assist the many families, individuals and communities throughout the country who suffer from this disease which causes such anxiety. That is the point I was making. I am not attempting to score points but to defend the Government’s record, which is my legitimate right.

With regard to the south-eastern region, the Government is doing all it can to see how we can develop radiotherapy services nationwide. When I was Minister for Health and Children, it was suggested that there would be two radiotherapy centres in Dublin and one in Cork. I reviewed the situation and provided objective criteria to confirm why the location of a radiotherapy service in Galway University Hospital would be justified. It did not depend on economic considerations but the medical throughput required for the provision of such services in that a certain level of population was needed for the service to be provided. That was the thinking at the time and the service was provided by the Government. That radiotherapy service is now in situ in Galway and has recently commenced.

The search for a solution to the problem of the provision of outreach services beyond the satellite services in Dublin, Cork and Galway has taken up the time and effort of those in the Department of Health and Children as well as the former and present Ministers. I am acutely mindful of the problems encountered by those who must travel to Dublin for specialist services. The midland health board region is the only one in the country that does not have renal services. Everybody from my constituency and bordering constituencies has had to travel for such services. I am aware of the issues and progress is being made.

Not all problems have been solved and we will continue to address them. The Tánaiste has my support and that of her Government colleagues in finding solutions to the problem. It has been suggested that a private hospital in Waterford would be able to provide such services and we would be anxious that they be provided to the wider public regardless of their means. That is the purpose of trying to use all resources available to the health service to help people deal with the problems. I have met representative groups from the region, visited Waterford and listened attentively to what they said. I have sympathy for their position, but sympathy does not solve all the problems. Every effort has been made and consideration given in dealing with this issue to the best of our ability on the basis of progress made thus far.

**Caoimhghín Ó Caoláin:** The Health Service Executive is to withhold payments due to nurses and midwives under the Sustaining Progress agreement and under benchmarking, which fall due on 1 June. What is the Minister’s view of what I can only describe as very provocative action? Is he aware that this threatened action by the HSE has evoked a very strong response from the Irish Nurses Organisation, that is, to consider industrial action? Will the Government intervene to encourage the HSE to withdraw immediately its threat to withhold these payments as of 1 June? Will he further encourage the HSE to re-engage with the INO in its ongoing negotiations on health care assistant training programmes and the other outstanding matters? Much has been resolved, although some matters remain to be addressed. Will the Government intervene with the HSE to avert the situation, which is already at crisis point in accident and emergency units, from deteriorating further, with all the serious consequences of industrial action in our hospital services throughout the State?

Will the Minister join me in commending the INO on its campaign, Enough is Enough, which is bringing greater public attention and awareness to the ongoing crisis in our accident and emergency units? Is the Minister aware that as of yesterday, there were 181 people on trolleys in accident and emergency units in various hospitals throughout the country? Can the Minister advise us whether the Tánaiste’s so-called solution or part solution to this problem, that is, making further beds available in the already difficult ward situations in hospitals, has made any contribution to alleviating the current crisis? What information can he share with the House regarding that proposition from the Minister for Health and Children?

**Mr. Cowen:** On the first matter, I understand that is an industrial relations issue that is being dealt with through the usual industrial relations machinery. I hope, as has been the case in the past, that might provide a means by which those issues can be resolved peaceably in an industrial relations sense.
[Mr. Cowen.]

Regarding accident and emergency services, over 1,240,000 attendances are recorded at the accident and emergency services for 2004. That is, on average, 3,300 people per day. As the Tánaiste said, we are committed to improving the experience of patients through sensible and achievable measures. It is not simply a resource issue, although it is so in some cases. As I said here previously when asked about this matter, there is need for co-operation in terms of internal reorganisation of the provisional delivery of services in our acute hospital system if we are to deal with that issue.

Mr. F. McGrath: They need more beds.

Mr. Cowen: It is not simply a question of beds because more beds have been provided. There is far more throughput of day cases now than was the case in the past.

Mr. F. McGrath: There is a shortage of beds.

An Leas-Cheann Comhairle: Order.

Mr. Cowen: The Tánaiste indicated in her ten-point plan the short-term measures she wishes to take to deal with those aspects of the service causing greatest difficulties. It is her intention that they will make a difference. She is in the process of getting on with that with the HSE, hospital management, staff and unions to ensure that happens successfully. However, there is a whole range of issues that are inter-dependent in terms of the proper delivery of our health services. It is clear that the availability of general practitioners at all times for primary care services is critical, as is the need to internally reorganise the way we deliver those services within the acute hospital sector. If we can provide the necessary environment and co-operation for that to happen, we can and will see real improvements because the resources have been improved and will be further improved in the future.

Caoimhghín Ó Caoláin: The Minister must recognise that it is Government’s responsibility and duty to help avert a deterioration of the situation in our accident and emergency units throughout the country and across the range of hospital services, which industrial action would undoubtedly precipitate. Is it enough to say this is a matter of industrial relations? The Health Service Executive and the Government must be aware and acknowledge that the INO has engaged in a very focused and determined way to overcome all the difficulties relating to the health care assistant training programme and related matters. As I said in my initial questioning, it has made significant progress. There are matters outstanding, but against the backdrop of the threatened withholding of payment to nurses and midwives from 1 June, there is now a poisoned atmosphere. This is not a climate that will be conducive to realising the necessary focused engagement between the HSE and the INO.

Does the Minister not recognise that this issue requires intervention at this point, not post the debacle visiting each and every one of us? Will he not also, in recognition of the major contribution nurses, midwives and the INO body make to the overall delivery of health care services in this State, accept it is the duty of Government to take cognisance of their expressed concerns and act accordingly? I do not believe the HSE can depend on Government as a crutch for any and every move it chooses to take. There is a responsibility on Government and on all voices in this House to ensure the crisis of such proportion that threatens is averted. I appeal to the Government to intervene to ensure this matter is addressed positively and sincerely so that the ongoing engagement will be under way and payments will not be withheld on 1 June.

Mr. Cowen: As I said in a previous reply, the question of ministerial intervention as the solution to the problems being spoken about does not comprehensively deal with the issue. Full cooperation from everybody is needed to deal with the issue that has arisen recently in respect of accident and emergency services. The industrial relations machinery should be utilised by everybody for the purpose of finding solutions to these problems. I reiterate, however, that these problems will not be solved on the basis of status quo plus. They will continue to revisit the service if we do not overhaul and reorganise the way we deliver the services in the acute hospital system and how that relates to the availability of primary care, and ensure that people who present to accident and emergency units require the services in those units.

I saw a statistic recently which indicated that four out of five people who present to accident and emergency units are not admitted to hospital. We must ensure that the accident and emergency services that are required by the people who need them are available. We must ensure also that other parts of the service outside the acute hospital sector meet their responsibilities in dealing with patients who do not require accident and emergency treatment or hospital admission. Hospitals are for acute admissions.

We must ensure also that where problems arise in accident and emergency services, hospital management gives priority to reducing elective admissions so that the immediate short-term problem can be dealt with. We need co-operation on the part of everyone to ensure that those who require accident and emergency services get them. It must be said that those experiencing genuine emergencies are dealt with in the health service but we must ensure also that where service pressures arise, elective admissions are reduced to allow those emergencies to be dealt with. That is the way to deal with this issue sensibly, but it requires the co-operation of everybody.
Order of Business.

Minister for Finance (Mr. Cowen): It is proposed to take No. 12, technical motion re Further Revised Estimate — Vote 34; No. 13, motion re referral to joint committee of proposed approval by Dáil Éireann for a directive of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters, and a regulation of the European Parliament and of the Council establishing a European small claims procedure; and No. 1, Veterinarian Practice Bill 2004 [Seanad] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Nos. 12 and 13 shall be decided without debate and in the case of No. 12, any division demanded thereon shall be taken forthwith. Private Members’ business shall be No. 49, motion re management of public expenditure.

An Leas-Cheann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 12, motion re Further Revised Estimate, and No. 13, motion re referral to joint committee, without debate agreed? Agreed.

Mr. Kenny: Shortly before he single-handedly broke through the tunnel from Whitehall to Dublin Port, the Minister of State at the Department of Transport, Deputy Callely, announced a €15 billion transport programme. When will we see the Dublin metro Bill arising from his endeavours?

Crack cocaine is becoming a major addictive drug in Dublin. It costs €1,000 per day to feed this psychologically addictive habit. When will we see the drug offenders Bill before the House?

Arising from what Deputy Sargent said, before the Taoiseach left for Warsaw yesterday to campaign for the world, he said we should meet the consequences of the obesity report head on. Does the Minister for Finance intend to introduce a Supplementary Estimate this year to allow schools that do not have sufficient space either to acquire or lease space so that children can run and play in school yards and get the required amount of physical activity? Is it the intention of the Government in meeting this report head on to make physical education a compulsory part of the curriculum?

Some time ago we discussed the ten-point action plan approved by the Government for accident and emergency services. Will the Minister for Finance confirm whether the order has been placed for the provision of a second MRI scanner at Beaumont Hospital? Will he update the House on the development of minor injury units promised in that plan to remove chest pain and respiratory clinics from accident and emergency units? It was the first point in the ten-point plan.

Mr. Cowen: Deputy Kenny should address questions on the detail of the ten-point plan to the Tánaiste who has front line responsibility. I do not have the information available to me for Order of Business.

I am advised the Dublin metro Bill is not due until next year. The drug offenders issue will be dealt with in the Criminal Justice Bill. I announced in the House on budget day my will-
Mr. Cowen: Ingress to examine a ten-year programme for transport as an exceptional matter given the long lead-in times and the multi-annual capital programme envisaged by such a policy. Discussion is continuing within Government on that matter. I must examine it in the context of overall Government planning and expenditure in the future. When that work is completed and decisions are made, the Government will make announcements.

Ms McManus: I am sure the Minister for Finance is aware that an EU directive now sets standards for the donation, testing, processing, storage and distribution of human tissue, including reproductive tissue. When will we have a debate in this House on the commission’s report on human reproduction? As we must comply with that directive by next April, when will the human tissues Bill be introduced in the House?

Mr. Cowen: No decision has been made on that matter. As Deputy McManus is aware, the report from the commission was published last week and it will require everyone’s most careful consideration.

Ms McManus: Does that mean the Bill will not be in place to meet the requirements of the EU directive?

Mr. Cowen: It means that no decision has been taken on these matters by Government following the publication of the Bill.

Mr. Durkan: In light of concerns expressed by the road haulage sector and steadily increasing oil prices, is there a possibility that the national oil reserves agency Bill will be brought to the House as a matter of urgency with a view to having a debate on the subject at the earliest possible date?

Mr. Cowen: I understand that Bill is due later this year. The heads of the Bill have been approved.

Mr. Durkan: Could it be introduced urgently?

Mr. Rabbitte: Does the Government intend to amend or alter the terms of the Moriarty tribunal? Has the Minister for Finance managed to find time to be briefed on the Government’s position on the Whistleblower’s Protection Bill? It was introduced in the name of the Labour Party and approved by the Government on Second Stage.

Mr. Cowen: The Whistleblower’s Protection Bill 1999 was a Private Members’ Bill introduced by Deputy Rabbitte on 15 June 1999 and was accepted by the Government. The purpose of the Bill was to provide protection from civil liability to employees who make certain disclosures reasonably and in good faith on the conduct or the business and affairs of their employers.

A memorandum for Government was circulated to Departments in July 2000, and observations of Departments were received in November of that year. In early 2001 extensive amendments were prepared based on consultations with all Departments. In July 2001, after approval from the Government, the amendments were forwarded to the Office of Parliamentary Counsel to be drafted. The amendments approved by Government raise a number of detailed and complex issues that require a substantial redrafting of the Bill by the Office of the Parliamentary Counsel.

The Government retained the Bill on its legislative programme after the general election and, since then, progress on drafting the amendments has been interrupted by the necessity to afford precedence to priority aspects of the Government’s legislative programme. Proceeding with the 1999 Bill is not viewed as a priority at present but may be addressed at some future time when the priorities in the Government’s legislative programme have been implemented.

While some considerable drafting work has been done with a view to progressing the legislation, it is now considered on reflection that the provision of statutory protection for whistleblowers on a sectoral basis might provide a better and more focused approach to dealing with this issue, such as section 4 of the Protections For Persons Reporting Child Abuse Act 1998 and section 50 of the Competition Act. In addition, the Safety, Health and Welfare at Work Bill 2004, which is currently before the Dáil, provides for the protection against dismissal and penalisation of employees who, in good faith, take steps to protect themselves or others in the workplace. That is the situation with regard to the whistleblowers legislation.

Mr. Rabbitte: Will the Minister answer the Moriarty question, please?

Mr. Cowen: I am not aware of any terms of reference. Nothing has come to Government, to my knowledge.

Mr. Deenihan: In view of the recent financial problems experienced at the Abbey Theatre and the weekend statement by the Minister for Arts, Sport and Tourism, Deputy O’Donoghue, concerning the theatre’s governance, are proposals in place to introduce new legislation on the future structures and governance at the Abbey Theatre?

Mr. Cowen: I am not aware that there are any such plans. I note, however, that as a result of what has emerged over the past few days, the board has indicated that the new executive director is to be appointed forthwith. I hope the Abbey will be in a position to deal with the issues following the recent revelations.
Mr. Sargent: I am disappointed, a Leas-Cheann Comhairle, that you were not able to allow a discussion on the matter I sought to raise earlier under Standing Order 31.

On promised legislation, a number of companies are clearly implicated in the problem of obesity. In addition, they are endorsed by the Government, even though they are in the business of creating addiction to salt and sugar in children.

Mr. Bruton: Who are they?

Mr. Sargent: Although this matter may not apply to the register of persons who are considered unsafe to work with children, perhaps it should.

Mr. N. Ahern: This is a Second Stage speech.

Mr. Sargent: That legislation was implemented effectively in Northern Ireland. Last January the Taoiseach said the Minister had appointed an implementation body to advise on and assess the legislation.

An Leas-Cheann Comhairle: The Deputy is making a statement. Does he have a question?

Mr. Sargent: I am asking whether the promise to introduce that legislation has any meaning. Is the legislation considered necessary? Will we see it and, if so, why has it been so slow in coming before the House?

Mr. Cowen: The legislation does not refer to obesity. It proposes a register to give effect to the recommendations of a child protection joint working group. The legislation arises from the North-South Ministerial Council. A cross-governmental working group reported to the Minister for Justice, Equality and Law Reform on proposals for reform of vetting of employees by the Garda Síochána. The Minister for Justice, Equality and Law Reform has now appointed an implementation group to advise on and assess the legislation.

Mr. Sargent: That legislation was implemented effectively in Northern Ireland. Last January the Taoiseach said the Minister had appointed an implementation body to advise on and assess the legislation.

Mr. Cowen: EU Finance Ministers have agreed to the introduction of a voluntary levy on airline tickets with a view to raising funds for overseas development aid. Since it is a voluntary exercise, does the Government intend signing up to it and, if so, will it require legislation?

Mr. Cowen: No decision was taken on this matter. It was an informal meeting of EU Finance Ministers and decisions cannot be taken at such meetings.

Ms Lynch: That is an extra tax. It is not voluntary.

Mr. Cowen: A discussion took place on this matter. The concept is to try to find ways and means of capturing the civic sentiment of society in the aftermath of the tsunami and other tragedies. It is a question of how one encourages civil society to respond in addition to countries trying to meet their overseas development aid commitments. Part of the discussion was about debt relief and setting intermediate targets for the European Union, given the United Nations commitment to reach an ODA level equivalent to 0.7% of GDP. The idea referred to by the Deputy was only part of a wider discussion. The Commission and the Presidency will present a considered position paper on all these matters at the next ECOFIN meeting.

As regards the Government’s view, Deputies will be aware that cheap air access is critical to Ireland as an island nation. Other EU member states have also expressed that opinion with regard to their status. The proposal for a €10 pre-departure tax, as they called it, can be regarded as a two-way matter, to and from various destinations. It could involve an increase in air fares of between 14% and 53%.

Mr. Naughten: Some 100%.

Mr. Cowen: It is not something to which I would subscribe. Ireland’s overseas development aid commitment has increased by over 240% since we took office. Donation relief, which was first introduced in the Finance Bill of 1996 and subsequently amended in this year’s Bill, is a means of encouraging people to make donations to NGOs or other bodies working in the developing world. It makes tax relief available on that basis. We would like to continue that method of showing solidarity with the Third World, rather than adopting the innovative mechanism which has been suggested.

Ms Lynch: Now that the Government has discovered that child care is a difficulty, does it intend to introduce the Parental Leave Bill in the coming year? The legislation seems to have stalled somewhere in cyberspace. This is a time-related Bill and if the cut-off time is reached, some parents will not be able to avail of its provisions. The Bill is vitally important if we are serious about introducing family-friendly legislation.

Mr. Cowen: As the Deputy knows, the Bill was published on 20 December 2004 and is currently awaiting debate on Second Stage. It is a matter for the Whips to include it for discussion.

Ms Lynch: Will the Minister instruct the Government Chief Whip to put it on his agenda because it is vital legislation?

Mr. Cowen: I would never be so courageous as to instruct the Whip.
Mr. Crawford: I wish to raise three issues. The first concerns the register of persons who are considered unsafe to work with children. When will that matter be dealt with? It is an important issue that is relevant. Second, in light of the massive increase in fuel prices, when will the natural gas regulation Bill be introduced so that we will have an opportunity to discuss ways and means of dealing with that situation? Third, but by no means least, many groups are dependent on charity at present and all public representatives are asked daily about the funding of charities. When will the charities Bill be brought before the House? It would provide some control over illegitimate charities that are out to rip off the system.

Mr. Cowen: I understand that the charities Bill is due next year.

Mr. Crawford: It is extremely important.

Mr. Cowen: Interdepartmental discussions are continuing to bring forward that legislation. We are anxious to create a modern legislative framework for charities, but there are issues involved of which the Deputy may or may not be aware.

Mr. Crawford: I am very much aware of them.

Mr. Cowen: I am sure that Deputy Crawford is so aware, but Deputy Sargent, the man who calls me a chancer at weekends, might not be aware of them.

Mr. Sargent: I am very aware.

Mr. Cowen: Deputy Crawford’s first question concerned a register of persons considered unsafe to work with children. As I said in a previous reply to Deputy Sargent, that matter comes under the aegis of the North-South Ministerial Council. Some moments ago, I replied as to where that stands. It is not imminent.

Mr. Durkan: Mañana.

Mr. Cowen: The natural gas regulation Bill, which is due next year, will give effect to the restructuring of the natural gas industry.

Caoimhghín Ó Caoláin: Will the Minister say whether non-publication of the uncompleted Dunne inquiry report was as a result of the Attorney General’s advice? Will that advice be published? In the context of the appointment of Dr. Deirdre Madden by the Minister to complete the Dunne inquiry, will her new terms of reference be brought before the House for approval?

An Leas-Cheann Comhairle: The Deputy’s question must relate to promised legislation.

Mr. Cowen: I am not aware that such is required or enters into the setting up of the second committee of inquiry. Obviously there are legal issues involved regarding the report to which the Deputy referred but it is not customary to publish the Attorney General’s advice which are issued to the Government.

Mr. J. Higgins: The National Council on Ageing and Older People has published a report which alleges that some within the health and social services have attitudes towards older people which could only be described as shocking and essentially regard older people as a nuisance to be dealt with. I have objected in the past to the use of the disgusting term “bed blockers” to describe elderly people in the context of the health service. Perhaps the only related legislation is the medical practitioners Bill which will involve one set of persons who deal with older people. Is it not shameful that older people should be discarded in this way by any section of the public service? Does the Government intend to try to change this?

Mr. Cowen: The heads of the medical practitioners Bill were approved by Government in June 2004. Further heads are expected this year and the Bill should be published early next year. With regard to the matter raised by the Deputy, everyone would be concerned about circumstances in which elderly people have a less than happy experience in their interaction with the public services, whether the health service or any other service. In my experience of talking to older people as a constituency Deputy, however, they have had nothing but praise for the way in which they have been treated. Elderly people use the health service much more regularly than others, such as those of us who talk about it but thankfully do not have to use it too often. My information is that elderly people have nothing but the height of praise for the people who deal with them. If there are individual cases in which issues arise, one does not welcome them. However, it is not accurate to suggest that those elderly people who interface with the services are not well cared for.

Mr. Broughan: I raise a related matter in an area for which the Minister has responsibility. The Minister’s colleague this week and last week drew attention to the grave necessity to extend pension provision. It is almost two years since An Post pensioners who claim they are civil servants received cost of living increases. What is the line Minister prepared to do for a group of senior citizens who served the country well for 40 or 50 years but are not receiving their due pension increases? The Minister and his colleague, the Minister for Communications, Marine and
Natural Resources, Deputy Noel Dempsey, have responsibility for this matter.

An Leas-Cheann Comhairle: To which promised legislation does the question refer?

Mr. Broughan: I refer to the postal services Bill.

Mr. Cowen: Everyone will be aware of the difficulties the postal services, particularly An Post, have experienced in recent years.

Mr. Broughan: They are emerging from them.

Mr. Cowen: Thankfully, some improvements have been made but much more remains to be done. The matter is before the industrial relations machinery. The recommendations it makes will be critical and I hope they will meet with the approval of all sides with a view to addressing this question. The social partnership agreements provide a possibility to claim inability to pay. I hope the health of the company can be restored as quickly as possible so that these sorts of issues can be dealt with to everyone’s satisfaction.

Estimates for Public Services 2005: Motion.

Minister for Finance (Mr. Cowen): I move:

That, notwithstanding Standing Order 152 (1) or (2) of the Standing Orders of Dáil Éireann relative to Public Business, or the Order of the Dáil of 24th February, 2005, the following Further Revised Estimate for the Public Services for the year ending 31st December, 2005, be presented to the Dáil on 17th May, 2005, being a date later than that prescribed for the presentation of Estimates, and that the Further Revised Estimate be referred to the following Select Committee pursuant to Standing Order 152 (3) and paragraph (1)(a)(ii) of that Committee’s Orders of Reference:

Vote 34 (Enterprise, Trade and Employment) (Further Revised Estimate) — Select Committee on Enterprise and Small Business.

Question put and agreed to.

EU Legislative Proposals: Referral to Select Committee.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I move:

That the proposal that Dáil Éireann approves, in accordance with Article 29.4.6° of Bunreacht na hÉireann, the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council of the European Union that it wishes to take part in the adoption and application of the following proposed measures:

(i) proposal for a Directive of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters, a copy of which proposed measure was laid before Dáil Éireann on 9th November, 2004;

(ii) proposal for a Regulation of the European Parliament and of the Council establishing a European Small Claims Procedure, a copy of which proposed measure was laid before Dáil Éireann on 12th April, 2005,

be referred to the Joint Committee on Justice, Equality, Defence and Women’s Rights in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 2nd June, 2005, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

Veterinary Practice Bill 2004 [Seanad]: Second Stage.

Minister of State at the Department of Agriculture and Food (Mr. Browne): I move: “That the Bill be now read a Second Time.”

I am pleased to introduce the Second Stage of the Veterinary Practice Bill 2004. As Deputies will be aware, the Bill was initiated in Seanad Éireann in October last and completed its passage through that House on 21 April. The debate on the Bill through all Stages in the Seanad was positive and constructive and the draft measure was improved during its passage through the House. The Minister’s openness to taking on board ideas put forward is evidenced by the fact that she proposed 79 amendments during that process. While many of these were purely technical or textual in nature, a significant number reflected proposals and suggestions put forward by Senators. I hope, therefore, the House will be able to give the measure a speedy passage in order that we can put in place a more effective regime for regulation of the veterinary profession as soon as possible.

The veterinary profession has long played a pivotal role in the development of our agriculture and food sectors. The expertise and commitment of its members in the area of animal diseases has enabled our livestock sector to progress and improve and, by so doing, provide a safe raw material for our developing food industry. With developments in the area of veterinary medicine and treatment techniques, considerable progress has been made in combating a range of animal diseases which otherwise would threaten the stable food supply we now take for granted. These developments also contribute to the pro-
transparency should be introduced into regulation was enacted and will also serve the needs of the profession in the years ahead. It is also appropriate in the public interest that greater developments in the environment within which the profession has operated since the original legislative foundations governing the profession have been on the Statute Book for more than 70 years. While these were appropriate to their time, they can no longer be said to be the case. Consequently, the former Minister for Agriculture and Food, Deputy Walsh, accepted the need to sponsor replacement legislation and brought this project a considerable way during his period in office. I am pleased to progress the work he initiated.

It is important to note that this is not a matter of imposing a new regime on an unwilling profession. The Veterinary Council, the body charged under the legislation with day-to-day regulation of the profession, has drawn attention to a number of shortcomings in the existing code, particularly in regard to disciplinary aspects, continuing professional development and standards of premises.

Against this background, the Bill is designed to bring regulation of the veterinary profession fully up to date, taking account of the many developments in the environment within which the profession has operated since the original legislation was enacted and will also serve the needs of the profession in the years ahead. It is also appropriate in the public interest that greater transparency should be introduced into regulation of the profession and broader legal developments, including in regard to human rights, should be reflected particularly with regard to disciplinary proceedings. Among the principal features of the Bill are provision for the first time in legislation of a legal definition of veterinary medicine, a broader membership of a re-constituted Veterinary Council of Ireland to reflect interests such as education, consumers, food safety and animal welfare and to provide a better balance between veterinary practitioners and others, an updating of the provisions dealing with registration and for recognition of specialities in particular areas in veterinary practice, provision for continuing professional development which would be a prerequisite for retention on the relevant register, a new model to deal with complaints and a broader range of proportionate sanctions, statutory recognition of veterinary nurses for the first time, the establishment and monitoring by the council of standards of veterinary premises and the council to be given investigative powers commensurate with its regulatory role in the profession.

The Bill is extensive and comprehensive, running to 138 sections and four Schedules. Part 1 contains a number of standard provisions, including definitions and repeals. In regard to the latter, the Bill provides for continuation of the residual aspects of joint recognition arrangements with the UK, under which practitioners registered before 1978 can retain membership of the Royal College of Veterinary Surgeons, the UK regulatory body.

It is obviously necessary to provide for an orderly transfer from the existing Veterinary Council of Ireland to the body to be established under the draft legislation. Among other things, Part 2 will ensure that the existing staff are not disadvantaged by the abolition of the existing council and that all rights and liabilities are properly transferred to the new council. It is important to stress at the outset that the council has been and will remain a self-funding body that does not receive any moneys from the Exchequer.

Part 3 provides for a fundamental restructuring of the council. The current membership of the council is fixed at 17, of whom 12 are practitioners elected by the profession. Nominees of the Minister for Agriculture and Food and UCD, as the sole provider currently of a veterinary degree in the State fill the remaining five places. It is appropriate that the composition of the council should be rebalanced, to avoid an in-built majority of elected members of the profession and to provide for representation of other stakeholders by their nominees. This is not an implied criticism of past or the current councils. However, as a self-regulating profession operating under statute, to continue to command the confidence of society at large, a significant degree of external representation is required. Apart from any other consideration, the increasing complexity of the issues, which the council is likely to encounter in the future means that it will benefit from the
range of perspectives and expertise being brought to bear on any particular issue by such an approach. Accordingly, the Bill provides, in addition to the elected membership, for nominees from the FSAI, the Director of Consumer Affairs, the Minister for Education and Science and from institutions providing veterinary education. The Minister would also appoint four members directly from consumers of veterinary services and from the animal welfare world.

As regards the elected membership, during the passage of the Bill through the Seanad, the Minister agreed to increase the number of veterinary practitioners to nine. This will ensure that there is a critical mass of practitioners on the council available to serve on its committees, which will be given an enhanced role under this Bill. The council will also include an elected member representing the veterinary nursing profession. In all, the membership of the council will be 19, compared to the current 17.

The amended composition is balanced in terms of the veterinary profession itself and broader societal interests and will enable the council to carry out its functions effectively in the public interest. While the Bill does not provide for an in-built majority for elected members of the profession on the council, a majority of the profession on the council is not precluded.

In terms of the continuity over time between councils, an amendment was agreed in the Seanad to meet the Veterinary Council of Ireland’s desire to provide for a certain degree of overlap between councils by providing for elections midway through the four-year life cycle.

While it is appropriate that the council is being given all the necessary powers to carry out its role, including in staffing and financial matters, provision is made for the Minister of the day to give general policy directions to the council and ultimately for its removal after due process should it fail to carry out the functions assigned to it under the legislation.

Part 4 provides the mechanisms to enable the council to function in its central role of registering and maintaining registers of practitioners. Provision is being made to safeguard the position of those registered on the existing register who as of right will be brought on to the new register. In terms of the categories that may be registered, provision is made for those trained in the State, as well as ensuring that we are in a position to fulfil our obligations under the EU mutual recognition regime. It is also proposed to make better provision for the council to register persons trained in third countries as under the existing legislation this was limited to countries with which the council had mutual recognition arrangements.

Experience of the 2001 foot and mouth disease episode gave ample demonstration of the potentially devastating effects of disease outbreaks in the national herd and the potential for damage to the economy as a whole. Accordingly, to ensure that in such circumstances at short notice we can call on an adequate supply of veterinary expertise from outside the State, it is proposed to provide for a category of limited registration. Limited registration could also be granted to suitably qualified persons whose expertise is required to teach trainee practitioners.

Some concerns were expressed in the Seanad about the provision for limited registration. However, we must make provision for exceptional circumstances and the relevant section includes important safeguards, including that the council itself must be satisfied of the need for such registrations and that applicants have the requisite knowledge and skills. The council is also enabled to put appropriate restrictions on limited registration, including time limits and limits as to the functions that may be performed.

Part 5 makes provision for the first time in legislation for a definition of the practice of veterinary medicine. This will give greater legal certainty to the council in the execution of its functions. The Minister proposed a number of amendments in the Seanad, which are designed to clarify this important definition particularly with regard to certain categories of procedures.

The Bill will make it an offence for a person other than a veterinary practitioner to practice veterinary medicine or to use a title, which implies that he or she is so qualified. Stringent penalties, which can range up to €130,000 and-or five years imprisonment, are provided in the case of a first offence, or €320,000 and-or ten years imprisonment in the case of a second or subsequent offence. Bodies corporate will continue under this Bill to be precluded from engaging in the practice of veterinary medicine.

It is also necessary, however, to recognise the reality of situations that can occur on the ground when a veterinary practitioner might not be available to treat animals. Accordingly, provision has been made for treatment of animals in an emergency by a non-qualified person and for farmers to be enabled to continue to carry out treatments or procedures that were possible under the existing legislation. Provision is being made for a ministerial regulation-making power in this area also. During the passage of the Bill through the Seanad, the Minister took on board a number of concerns expressed and amendments were agreed to clarify certain aspects of these provisions. An amendment was also agreed in the Seanad, which clarifies the situation of student vets and nurses practising veterinary medicine to gain experience stipulated under their courses.

The significant funding provided for the construction of a state-of-the-art veterinary college on the UCD campus, which opened in 2002 evidenced the importance the Government attaches to the standard of veterinary education. This impressive facility provides the infrastructure and facilities to enable our veterinary graduates to be trained to the highest standards internationally. Bricks and mortar are only part of the story and people of the highest calibre are required to ensure that courses of study match best inter-
national practice. The Bill provides that recruitment of such people would be facilitated by this legislation. The Veterinary Council of Ireland itself has always carried a crucial responsibility in the prescription of courses required for registration as a veterinary practitioner and it is proposed to continue and reinforce this role.

As this House recognises, we live in an era of accelerating change, which requires a life-long learning approach. This is particularly true in the veterinary profession, where scientific progress and advances in treatments are constant. Accordingly, the Bill enables the council to prescribe by regulations programmes of education that will be a prerequisite for remaining registered, as well as optional courses. To ensure sufficient focus on educational aspects, a dedicated education committee will be one of three committees the council will be required to establish. The legislation provides for the make-up of this committee to draw particularly from the educational expertise on the council and, where appropriate, to consult external expertise. An amendment agreed in the Seanad will give the council greater flexibility in making additional appointments to this committee.

The education committee, as part of its role in evaluating standards, will be charged with inspecting providers of education and further education and reporting to council. Among its other functions, it will advise the council on specialties in veterinary medicine and on qualifications in veterinary medicine obtained outside the State.

Disciplinary procedures and sanctions were among the shortcomings of existing legislation that were most pronounced. This was mainly due to the lack of proportionality in the range of sanctions that could be imposed on those found guilty of wrongdoing. Part 7 provides for a comprehensive reformulation of the fitness to practise provisions, taking account of the proportionality aspect. In drafting the replacement provisions, it was also appropriate to provide for greater transparency in the disciplinary procedures. The Department of Agriculture and Food took account of advice from the Office of the Attorney General on developments in human rights, in particular the European Convention on Human Rights. The procedures provided for are designed to ensure complaints are investigated fully, expeditiously and in a fair manner, safeguarding the legitimate rights and interests of the complainant and of the person complained against.

There is provision for two mandatory committees of council, a preliminary investigation one and a fitness to practise one. The role of the former is to examine complaints and decide whether a full inquiry, to be carried out by the latter, is warranted. The procedures have been constructed so that where there is a doubt, the dynamic is in favour of a substantive inquiry taking place. Provision is also made for the council to be kept advised of developments on a complaint, while ensuring that its view of the case is not prejudiced.

The composition of both committees is prescribed to ensure balance and that outcomes will command confidence. Provision is made for equal representation of practitioners and non-practitioners on both committees. In addition, an external chairperson, nominated by either the Bar Council or the Law Society, is stipulated for the fitness to practise committee. For the purposes of an inquiry, the committee will have the same powers, rights and privileges as are vested in the High Court in enforcing attendance of witnesses, production of documents and administration of oaths. Penalties are provided for those persons who commit offences regarding appearance before the fitness to practise committee.

Following a fitness to practise procedure, provision is made for a range of proportionate sanctions that may be imposed by the council. These include removal or suspension from the relevant register, attachment of conditions to continuing registration, including undergoing specified medical treatment, giving of advice, warning or censure by the council and requiring the person complained against to make a contribution of up to €5,000 to the complainant or towards the costs of the council in investigating the complaint. Due process is provided for in terms of notification of a decision and appeal, including appeal to the High Court by the person who is the subject of an adverse finding. The council is empowered to decide to remove from the relevant register a person who has been found guilty of an indictable offence in this State, or equivalent offence in another state. Due process is also provided for in this instance. In the interest of transparency, it is important the public has access to the outcomes of fitness proceedings. Consequently, the council will be required to publish all relevant details in its annual report.

While veterinary nurses have long been a feature of a significant number of veterinary practices, they have not, unlike their counterparts in the human field, enjoyed any separate legal personality under the existing statutes. The growing popularity of veterinary nursing is seen with the specific three year diploma course in veterinary nursing available from University College, Dublin. Part 8 provides for the first formal recognition of veterinary nurses. Responsibility in the first instance for establishing a register of veterinary nurses will rest with the veterinary council, which will be required to establish such a register within two years of establishment day. The Minister may establish a veterinary nurses board of Ireland to take over the veterinary council’s functions for veterinary nurses. These arrangements reflect the Department’s view that, given their current state of development, it would not yet be appropriate to establish a separate nurses board.

The Bill proposes to designate the range of functions appropriate for veterinary nurses to carry out. Arising from amendments tabled in the
Seanad and consultations with members of the veterinary and veterinary nursing professions, several amendments were made to clarify and make more precise what nurses may do and their relationship with veterinary practitioners. Provision is made for additional functions to be assigned to veterinary nurses in light of, for example, technological developments. It is essential to ensure that those working as veterinary nurses, but who do not have a formal qualification in this regard, should not be unduly disadvantaged under the legislation. Accordingly, it is proposed that those working as veterinary nurses on 27 October 2004, the date of publication of the Bill, may apply for provisional registration which can last for up to five years, provided they complete an approved course of education within that period. These arrangements provide an appropriate framework for the development of the discipline of veterinary nursing within veterinary medicine and are in the interests of consumers and of the profession overall.

On the basis of a voluntary scheme, the existing veterinary council has done considerable work with the profession in the improvement of veterinary premises. Under Part 9, these arrangements will be given a statutory basis. This provides for the council to make binding regulations relating to veterinary premises within one year of establishment day. These regulations will cover aspects such as the classification of types of veterinary premises, standards to apply to different categories of premises and signage aspects. Practitioners will have four years from the date of the council making its regulations to bring their premises into line with the requirements. Wide variations in the standard of veterinary premises exist. What may have been acceptable a generation ago is no longer the case. The lack of standardisation in signage can lead to confusion as to the standard of facilities to be expected. These arrangements provide a reasonable basis for practitioners to bring their premises to a required minimum standard progressively.

By definition, the veterinary council’s role in the regulation of the veterinary profession is central. It must, therefore, be given the necessary enforcement tools to carry out this role and to be proactive, where appropriate. Accordingly, it is proposed to give the council the power to appoint authorised officers to carry out inspections at veterinary premises and investigations where it is believed an offence is being committed or where a registered person is acting in a manner constituting professional misconduct. Concerns were raised in the Seanad about the extent of the powers to be given to these authorised officers. There was a general feeling that great care should be exercised in extending powers of entry without a search warrant, available to the Garda and officers of the Department of Agriculture and Food, to other agencies, such as the veterinary council. The Minister indicated in the Seanad she would examine this and its related aspects. The Attorney General’s office is considering the matter and, if necessary, it can be addressed on Committee Stage.

The Veterinary Practice Bill is comprehensive and well-balanced, taking account of the needs of the profession and the public interest. Several improvements have been made to the Bill during its passage through the Seanad and I hope this House will give favourable consideration to it. I commend the Bill to the House.

Mr. Naughten: I thank the Minister of State at the Department of Agriculture and Food, Deputy Browne, for his presentation. I acknowledge the important role played by veterinary surgeons in animal welfare and food safety. Their contribution over the years has been critically important to the development of the food industry and its export trade. Everyone accepts the current legislation is outdated and needs reform. It is 74 years since the initial legislation was introduced in this House. It was introduced in 1931 and revised in 1952 and 1960. It is critically important that we provide up-to-date legislation which modernises the existing legislation and that we have effective regulation. The Minister spoke to the House on that issue.

Up to now, the veterinary profession has been self-governing, and with the introduction of additional members to the veterinary council, will continue to be so. Significant shortcomings existed regarding disciplinary aspects and the measures which could be taken under the code of practice. Putting the suggested procedures in place is a positive move so that issues need not go before the courts but can be thoroughly investigated and addressed by the veterinary council.

For the first time, the legislation will define the profession and will regulate for the veterinary nursing profession. That has hitherto been left out in the cold with no formal structure. Veterinary medicine is changing rapidly because of EU regulations and directives on animal health and welfare, advances in science and technology and other medical advances, with education and training. The legislation also makes provision for continual education and training by those already qualified and trained. Such retraining and upskilling, which did not take place to the extent it should have done, is critically important. There is also the context of the broader social and regulatory changes taking place.

The Fine Gael Party is committed to promoting the rights of the consumer, acknowledged in the legislation. In principle, the Bill provides for the type of regulation required for those who consume food and for the farmer who avails of veterinary services, as well as those who avail of the small animal services. As we go through the various sections of the Bill, I will go into more detail on these matters.

The veterinary profession is changing dramatically. Over the past few years, substantially more women have been entering the profession. Most of those women, who enter the pro-
[Mr. Naughten.]

Fission from the leaving certificate stage, want to focus on small animal veterinary medicine. That will create challenges in terms of a potential shortage of vets in some parts of the country. Deputy McGinley and Senator McHugh have told me that in some parts of Donegal it is almost impossible to secure the services of a vet. The same thing is happening in parts of Connemara and is likely to happen elsewhere in the country as many new vets, on emerging from college, enter the more lucrative area of small animal practice, where one does not suffer the drudgery involved in the long hours associated with large animal practices, especially during lambing and calving season.

I recently raised this issue with the Minister for Agriculture and Food. She said she had no plans to fund the establishment or maintenance of veterinary practices in parts of the country. There is an onus on the Department to ensure accessibility to veterinary surgeons and practices. That issue will become more critical in the context of prescription-only medicines. If there is no accessibility to vets, there will be many more animal welfare problems. The Department must acknowledge that there will be challenges in this area.

The Department of Health and Children has acknowledged a similar problem in recent years and still has difficulties in getting GPs to some parts of the country. The Department has at least acknowledged that this is an issue and has taken certain steps, including the development of health centres in various parts of the country, with assistance and support for GPs who go into certain communities. The Department must acknowledge that there will be challenges in this area.

I am concerned that the Bill grants to the Minister extensive powers by regulation. Under section 59, the Minister will be able to regulate anyone to practise as a vet, or in any area of veterinary medicine. Under section 55, the Minister can regulate any type of veterinary medicines and define what they are. Under section 53, the Minister can introduce obligatory veterinary certificates for animals or animal products. Accordingly, there is maximum flexibility for the Minister to introduce anything he or she so wishes by regulation. We can debate this on Committee Stage but basically, under the provisions of the legislation as it currently stands, the Minister has the powers to rewrite virtually the entire Bill.

Part 9 of the Bill will impact directly on consumers. It paves the way for the inspection of veterinary premises and the establishment of standards thereon. That will be the front line, particularly for small animals practice but also to some extent for large animal practice. It is on the premises that people have their first contact with the vet or the vet’s staff and it will therefore impact on them. I would like to know by whom these inspections will be carried out and by whom the cost of regulation will be carried. This is ambiguous in the legislation. My understanding is that at the end of the day, the consumer will have to foot the bill involved. In theory the veterinary surgeon will pay, but in reality the consumer, the person availing of the services, will foot the bill. Most particularly, farmers will have to foot the bill.

Considering the current agriculture environment, costs will have to be reduced if agriculture is to be financially viable under the new decoupled era. Farmers will not put in the resources to fund veterinary premises in the coming years. We must consider this. I do not want the situation to end up in the same way as child care or food regulations. In principle, it was accepted by all at the time that we needed to regulate child care and to bring in sensible regulations regarding the preparation and sale of food. However, we have gone from one extreme to the other. This is a case of bureaucracy and red tape gone mad. Currently, the best example is the suggestion at EU level that butchers should not be allowed to sell into the catering trade, into restaurants and hotels. This shows how something which started out as a sensible regulation, an effort to put basic standards in place, has gone from one extreme to the other. There are also huge cost implications involved.

We need to ensure a sensible approach is taken to the issue of upgrading premises. Everyone accepts they must be brought up to a certain standard, but it must be kept in mind that the consumer will have to foot the bill. Once the standards are established they should be set in stone and not continually changed every 12 or 18 months, as is the case with child care standards. These change nearly every year and, of course, costs increase dramatically with every change. That forces people out of business. The last thing we want, especially in the case of large animal practices, is veterinarians being forced out of business. There must be some element of competition so costs can be kept at a reasonable level. We must not force operators out of the business, which could happen if we are extremely prescriptive in setting the standards.

State premises are exempt under Part 9 of the Bill. Perhaps the Minister will elaborate on the definition of State premises. My understanding of the definition in the legislation is that it means anything that is under the control of any Minister. That would include Teagasc, for example. Many people in County Leitrim have serious questions about the procedures Teagasc employed last Monday week in the movement of cattle from the farm in Ballinamore. Those questions remain unanswered. Nobody was prepared to give answers as to whether there was compliance with the animal movement rules. It is important that Teagasc and every other State agency and premises are above reproach in these matters. They should be seen not only to meet the standards but to transcend them. That is critical. It is disappointing this issue was ignored by Teagasc in the movement of stock from the Ballinamore farm.
On the subject of competition, an important survey was published in the *Irish Farmers Journal* in January this year. It surveyed the charges for call-out services among veterinary surgeons. They ranged from €28 to €45 for a call-out. That is a 50% difference between the least and most expensive. The most striking finding of the survey is the variation in charges for TB and brucellosis testing. These are standard tests with standard procedures regardless of whether they are conducted in Donegal or Cork. There should not be a major variation in charges.

The call-out charge ranged from €32 to €57. In addition, there is the charge per head which ranged from €3 to €4 for TB testing, a 33% variation, and from €1.90 to €3.40 for brucellosis testing, an 80% variation in the cost of the test. This must be examined, perhaps by the Veterinary Council. How can there be such a major variation in the charges for TB and brucellosis testing? It is understandable that there can be significant variations in call-out charges according to the difficulty of the procedures conducted but there should not be a significant variation in the cost of TB and brucellosis testing. The Veterinary Council and the Minister should ensure this matter is examined.

Another matter, also relating to costs, which gives rise to concern is the definition of veterinary medicine. Section 53 provides for the exclusion of common practices for the care and husbandry of animal livestock by the farmer or his employee from the definition of a veterinary procedure. However, I am concerned that there could be different interpretations of the definitions at a future date. There was ambiguity, for example, about the scanning of sheep and cattle when this legislation was introduced. What is the situation with regard to dehorning and castrating young cattle?

I agree with the Minister there should be flexibility in regulating this area. If more strict interpretations than we wish are taken of the principles in the legislation, the Minister should be able to bring forward a regulation, with the approval of both Houses, which will ensure the issue is clarified. We will not know the impact of this definition until it is utilised in practice. At that stage we could discover that some practices which were traditionally carried out on farms could be illegal under these provisions. There have been indications that traditional dehorning and castration procedures will be outlawed under animal welfare regulations. Perhaps the Minister will elaborate on that. It is important to have clarity on this issue.

The final point I wish to raise about costs relates to section 55 and prescription-only medicines. Under section 55 the Minister will have the power to make regulations and lay them before the Dáil. It is imperative that the powers under section 55 be thoroughly debated by the House and a positive approval of the House must be required for regulations on medicines. Prescription only medicines could have huge implications in terms of the re-emergence of a black market in the sale of drugs and the increased use of antibiotics. If farmers must go to a veterinarian every time they require a medicine, they will take the belt and braces approach on the first occasion. They will seek an antibiotic to treat the animal from the start rather than trying something less severe first. Unless we are extremely careful on this issue, it will lead to an increase in the use of antibiotics and increased incidence of antimicrobial resistance.

There could also be implications for animal welfare. If the cost of medicines increases dramatically, farmers will not use them. That is the reality. We have seen the result of a restriction on the sale of antibiotics to veterinarians and pharmacies. Take the example of one medicine, penstrep. It could be purchased for between €3 and €4 per 100 ml. It now costs between €12 and €14 through the veterinarian or between €6 and €8 through the pharmacy. It is clear that imposing a restriction on antibiotics has dramatically increased their cost. Another example is the vaccine P13 IBR. It is on sale in the US for 91 cent but costs €8.50 per head in this country. This is due to the type of restrictions on the distribution of those medicines to farmers.

We must take a sensible and straightforward approach to this issue. Anything that does not have a withdrawal period should not be prescription only. It is also important that we do not create a structure that results in a monopoly for veterinarians in this area. The EU directive makes clear that qualified persons, not only veterinarians, are entitled to write prescriptions. I accept that with some medicines veterinarians are the most appropriate people to write a prescription. However, this should be limited to a restricted number of medicines and should not apply across the board. There must be a sensible approach to ensure that supply routes and competition in the marketplace are maintained while also ensuring food safety through the controlled use of medicines.

Section 57 deals with non-registered persons. Will they be able to write prescriptions or issue prescription-only medicines? That will happen in practice. The veterinarian will not issue them. When writing prescriptions veterinarians do not necessarily examine the animals. If they did so the costs would go through the roof. We must consider the practicality of implementing these regulations. Take the example of red water treatments. It is critical that those treatments are given to an animal as soon as the animal is diagnosed with a problem. If one cannot contact a veterinarian, how will one access such treatments, for example, on a Saturday evening? It could be supplied through pharmacies because they must have cover on a 24-hour basis. Many vaccines and emergency treatments could be stored and made available through chemists and other merchants. A sensible approach needs to be adopted in this regard so that it is not left to veterinarians.
[Mr. Naughten.]
I refer to the tuberculosis testing programme, which is a source of significant frustration for many farmers. The issue of the lack of lesions on a carcase following a post mortem where an animal is supposed to have gone down with TB causes frustration for farmers. It is illegal to perform a second confirmatory test on an animal but that brings the integrity of the system into question. Veterinarians will argue only a certain percentage of animals will have lesions and, while that may be the case, the integrity of the system must be ensured. A proper reporting mechanism should be put in place for animals that do not have lesions but which have tested positive for TB. Farmers should have the option of the test, even if they have to pay for it, to confirm whether the animal has TB. If a farmer is adamant an animal has not contracted TB and his stock has not mixed with other stock, the legislation should provide for a second test.

Will the Minister examine the use of the gamma interferon confirmatory test? The UK independent scientific group on cattle tuberculosis has examined the test. The group is critical of the tuberculin skin test, which is used in Ireland, saying it is too unreliable to be used as a confirmatory test and that, while it is effective as a surveillance test, it should not be used as an individual test. The group states the gamma interferon test is a good complementary test to ensure all the animals that have contracted TB are detected so that the disease does not recirculate and to ensure only these animals, which are reactors, are taken out of the herd.

TB has been an issue for long enough in Ireland and it has caused significant problems for many farmers. The Government should consider other measures to improve the standard of TB testing to eradicate the disease. The Minister should devise a field trial to compare the gamma interferon and the tuberculin skin tests. The UK is doing this and we should conduct research in this area because it would improve the integrity of TB testing.

I refer to the issue of qualified persons and the ambiguity in the regulations, which the Minister can introduce under the legislation. Section 45, for example, sets off a number of alarm bells regarding the powers to appoint staff to deal with disease eradication and education programmes. While the implementation of education programmes is understandable, veterinary practice must not be undermined. Everyone accepts that if a class A disease is discovered, professionals need to be brought in quickly. However, what is the Department’s definition of “disease eradication”, as it could be extended to include everything and anything bar the kitchen sink.

Section 57 provides for the Minister to make regulations to permit non-veterinarians to carry out elements of veterinary medicine. This provides a blank canvas to the Minister to rewrite the legislation. Safeguards must be included to ensure appropriate and adequate standards are in place so that the veterinary profession is not undermined.

Veterinary nursing is also an issue. Every submission made to the joint committee and the Minister of State’s contribution referred to UCD and, while I have no difficulty with that, no one has mentioned Athlone Institute of Technology. Why is it being ignored? No one at the institute has been consulted about the legislation, even through veterinary nurses are being trained to at least as high a standard as in UCD. The Bill recognises veterinary nursing as a profession for the first time. I hope the profession will develop and diversify over the coming years.

However, I have a number of concerns about the legislation in this area. Only one veterinary nurse will become a member of the Veterinary Council, which will set rules and standards, but they will be put in place before he or she is appointed to the council. Under section 93, it could take two years for the provision to be enacted. While the Minister is providing for a five-year window for veterinary nurses, it will be two years before they have a formal input. They are being given three years, therefore, to ensure their certification meets the required standard. The timescales should be examined.

The issue of lambing, which is close to my heart, is ambiguous under the legislation. Under section 91(3), a veterinary nurse cannot pull a lamb on a neighbour’s farm if a ewe is in difficulty. He or she can do so on his or her farm but he or she cannot cross the road and do it for an elderly neighbour. If a veterinary nurse does so, he or she could be struck off the register. If fewer people are entering the veterinary profession, it must be ensured veterinary nurses are protected. Such nurses should not take over the role of veterinarians but if they assist an elderly neighbour, proper standards must be put in place and flexibility provided so that a nurse acting as a good Samaritan is not prosecuted or struck off the register.

HETAC is not mentioned in the legislation. UCD and the Veterinary Council have been consulted. Veterinary nurses did not make a presentation to the Joint Committee on Agriculture and Food, which was disappointing. Will the Minister of State, in his reply, elaborate on his consultations with veterinary nurses? A number of organisations that made presentations to the joint committee stated they were speaking on behalf of veterinary nurses. However, the legislation is focused on UCD to the detriment of the other institutions training people covered by it. I hope a balance is struck on Committee Stage so that due recognition is given to Athlone Institute of Technology. I will debate the issues I have raised in further detail on Committee Stage.

Dr. Upton: I welcome the Bill and I thank the Minister of State for introducing it. This Bill is long overdue, especially in light of the significant changes that have happened in veterinary practice in the last ten to 15 years. Many substantial
changes have occurred which have impacted greatly on farming and the food industry. Major improvements in technology have made life easier in some ways, but in other ways they have made it more complicated because of the higher standards that are expected arising from such improvements. I welcome the improvements to the Bill, as they place an emphasis on the need to move on and to change the requirements where appropriate.

A relatively new but important aspect of veterinary practice is the value and relevance attributed to food safety and there are new stories in the newspapers about this every day. Vets have an important role in ensuring compliance with Irish and EU food safety standards. There are many EU directives in this area which must be taken into account and which have had an enormous impact on standards and quality in the food safety arena. EU legislation will be even more important in future and we must ensure that we keep abreast of directives and legislation. That is a significant demand because legislation from the EU tends to be complex, although efforts are being made to consolidate certain aspects of the food safety legislation.

As Deputy Naughton pointed out, the recognition of veterinary nurses in the Bill is very important. We must also recognise veterinary practitioners from other European countries. The law regarding the movement of services is positive. It offers opportunities for our professionals to engage at European level and also allows other Europeans the right to practise in Ireland. The reciprocal arrangement benefits everyone.

The veterinary profession has been central to the development of Irish agriculture and the food industry. Its role in the management and treatment of companion animals is becoming more important. It has also made a very significant contribution to research. When fire brigade action was needed to respond to foot and mouth disease, the veterinary profession directed our actions and prevented the worst horrors of what took place in the UK from happening here. It protected the country from the consequences of foot and mouth disease. Its role and contribution to Irish farming, the food industry and society in general cannot be overstated.

Animal welfare is an issue that has gained a very high profile in recent years. We are dependent on vets to ensure there is compliance with best practice. It is widely recognised that vets have a major role in mainstream animal husbandry, farm management and companion and small animal treatment. Their role in education is also significant and should be acknowledged. Veterinary practitioners, alongside other professionals, have played an important part in educating and training the next generation of vets who are coming through the university and institute of technology systems.

The legislation must be forward-looking and take account of the major changes in agriculture, the food industry, animal management practice as well as the importance of companion animals. Vets can play a role in the control of horrific practices such as puppy farming. In this Bill there is no scope to deal with this, but I would like to revisit the issue at a future date. It is an important matter from an animal welfare point of view. The practice was highlighted in the media in the past two years and it is still in existence. Controls must be put in place and appropriate penalties imposed on those who are abusing the quality of life of animals in this manner.

The range of animals to be found in pet shops has widened considerably. Exotic animals are often bought as novelty items and are great fun for a few weeks. However, the glamour tends to wear off and appropriate care and management is not always provided by the purchaser of such animals. I wish to see tighter controls in this area. Apart from animal welfare concerns, there is a risk of these animals being released and causing havoc. One can imagine the scenario if a friendly python was found in somebody’s back garden, which is not beyond the bounds of possibility. Exotic snakes and birds are being imported with very little, if any, controls. Exotic animal imports also raise concerns regarding exotic diseases. We should not overlook the real risk in that regard.

We must acknowledge the work of veterinary practitioners with organisations such as Blue Cross, where they provide a professional service for free or for a minimal charge. This service is greatly appreciated by people on limited incomes, particularly elderly people whose pets are very important to them. It is almost an unofficial medical card system for the treatment of animals and is a very important social service.

The broad thrust of the Bill is to bring regulation of the profession up to date, taking account of the many changes that have taken place in recent years. Another important function of the Bill is to bring greater transparency into the regulation of the profession. The reviewed composition of the veterinary council is broadly welcome. All of the representative veterinary bodies identified a need for a greater number of vets on the council. The case was made that they would be needed to service the large number of sub-committees that would operate under the council. The increased numbers recommended, following the debate in the Seanad, acknowledges the concerns in this area, but it is an issue that I would like to revisit on Committee Stage.

It is important that other stakeholders have representation on the veterinary council and I acknowledge that this is included in the Bill. The change in emphasis in the role played by veterinary practitioners highlights the need for broad representation on the council. Interests such as food safety experts — I appreciate that the Food Safety Authority is represented — and consumer advocates are central to the balanced composition of the council. It is important to strike a balance between strong veterinary representation and consumer and food safety representation on the council.
I welcome the fact that veterinary nurses are formally included in the legislation because they provide an important service which deserves recognition. I note the categories of functions that veterinary nurses are allowed to carry out were amended in the Seanad so it is clear that treatments being carried out by nurses are under the direction of a vet, but in some cases without the vet being present. The inclusion of this provision, as well as the formal recognition of nurses, is very important from the point of view of professional status. I also welcome the indication by the Minister that those working as veterinary nurses from the date of the Bill’s introduction in 2004 may apply for provisional registration which would last for up to five years, providing they complete an approved course of education. It is entirely acceptable, if not desirable, that such recognition should be in place.

The point about the inspection of veterinary premises is important. The Bill provides the facility to carry out an independent inspection of the place where the practice is located. This process is in line with best practice in other professions and activities. Inspection and maintenance of standards in a practice are clearly in the interest of both the practitioner and those in receipt of the service. It is important inspections are available and will be carried out.

The point was made in the debate in the Seanad that where the veterinary council appoints authorised officers — this relates to investigations where there is concern that an offence is being committed — to enter a premises other than that of a vet, a search warrant is required. It seems only logical that the same standard should apply when considering the premises of a vet. I appreciate the Minister acknowledged this in his speech this afternoon and that the Attorney General is considering the matter. The issue of the differentiation is important. Why would a warrant be required for one and the other be exempt from such a requirement? This important point may hinge on some legal technicality that must be raised on Committee Stage. I look forward to hearing what the Attorney General has to say on this matter.

The veterinary education and training committee has responsibility for advising the Veterinary Council of Ireland on the education, training, programmes of education in the State, continuing educational development and standards for recognition of qualifications obtained outside the State. This is an important aspect of the veterinary profession, because it will determine the standards of care that are ultimately delivered by the profession in the care and treatment of animals and the profession’s important role in setting standards for food safety in specified areas and in all other aspects of training. The rapid rate of change in this and other areas where new technologies apply will present a challenge. For this reason it is imperative that the broader educational aspects of the training and retraining of the professionals is kept under constant review.

Because of the right of vets from outside the State to practise here, it is important the standards of those entering the profession from outside the State are constantly monitored and updated. It is important to find the right balance between the veterinary practitioners and the committee and those who deliver education. Their roles may overlap, but it is important to remember that education and training must be monitored not just by vets but also by those with formal training in the process of the delivery of education, monitoring of standards and ensuring the quality of training. Deputy Naughten alluded to this earlier.

The veterinary profession is in the privileged position of being able to control many of the food standards that allow us to enjoy a safe food supply. The “farm to fork” concept is more important than ever, given our need to ensure safe quality foods for the consumer at home and abroad. Our highly regarded food export industry is important and must be maintained and sustained. We cannot allow any glitches to creep into the system or any damage occur to our reputation and destroy our clean, green image. It is a constant struggle to ensure this and is not an easy challenge by any means.

The legislation relating to food standards is very complex. Vets in particular have a major role to play in ensuring animal products are fit for human consumption. Increasingly, the sophistication of production, processing and packaging of foods impacts on the economy. Staying up to speed with these new developments will be one of the challenges for all involved in the food chain. However, the primary role in foods of animal origin will fall to the vets at both farm and factory level.

Foods of animal origin are those most likely to cause concern from a food safety point of view and economically. The recent lessons of the foot and mouth disease outbreak in 2001, BSE and, most recently, avian ’flu are stark examples of how animal diseases and illnesses can impact on human health and on the economy. These diseases have not gone away. We must be constantly vigilant to ensure we remain aware of them in other countries and prevent them impacting on our economy and food safety.

Section 55 of the Bill is important in that it makes it illegal for people to represent themselves as being suitably qualified unless they have been recognised and accredited by the veterinary council. There have been a number of unfortunate incidents in other professions where unqualified people have successfully passed themselves off as being qualified when, in fact, they were charlatans. Strict guidelines, through examination of documentation and formal training and qualifications should help to prevent this happening and ensure people who are not fully qualified are not allowed to bypass the system.
The need for additional back-up and professional resources is important for when there is a crisis or emergency. It is also important for when someone from a third country wants to practise in Ireland. It is important to have the procedures in place to allow flexibility for those people to practise. However, it is also crucial that the standards that are expected and demanded of vets who qualify in Ireland are maintained by those who come from outside the State.

The issue of limited registration is valuable in an emergency. I realise the difficulties surrounding the wording of this part of the legislation; it needs very careful consideration. It is vital in the exercise of discretion of allowing limited registration that professional standards are maintained and that neither animal welfare nor food safety are compromised. The risk is that this limited registration could open a back door to allow the registration of unqualified people. I accept the intention of this part of the Bill was to allow for call up of support persons in the case of an emergency such as happened with foot and mouth disease. The wording demands careful consideration to ensure protection is in place and there is no risk of any back door registration. This issue will be raised again on Committee Stage.

I welcome the amendment arising from discussions in the Seanad on the welfare of animals and the specifying that an unregistered person may treat an animal in an emergency only when a vet will not be available “within a reasonable time”. The difficulties of wording and interpreting precise meanings are apparent in the use of “within a reasonable time” rather than “immediately available”. The term “within a reasonable time” takes account of the difficulty and removes the difficulty with “immediately available”, which is something that probably could not be delivered on anyhow.

The issue of the writing of prescriptions was raised previously. Account must be taken of the serious concerns that prescriptions that could only be written by vets may mean that people will buy up the prescription in quantity or that a black market may open up. This issue has been debated in the Committee on Agriculture and Food a number of times. It is an important issue that must be addressed.

I welcome the extension of the Freedom of Information Act to include the veterinary council and that the disclosure of information by the members of the council or its staff in the course of their work, will be liable under the FOI Act, subject to the usual provisions. This was never a concern, but there was a query as to whether this should be covered under the Act or under this Bill. I would prefer if it was covered in this Bill, but this may be a matter for further consideration on Committee Stage.

Following from the right of disclosure under the FOI Act, or through this Bill as proposed, it is important transparency should apply when the council is investigating a complaint against a vet. This issue is addressed at some length. Early consultation with the vet against whom the complaint is being made is important for the credibility of the system and for justice to be seen to be done. Actions taken or hearings carried out behind closed doors or without informing people lead to resentment at best and may lead to unnecessary and protracted investigations which might be avoided with appropriate initial consultation. A consultation with the alleged offender may well clear up what is a minor issue. If it is a major cause for concern, it is equally important that all investigations are seen to be open and transparent. Therefore, an initial consultation process is desirable.

I welcome the Bill in principle, because it is overdue. It is important for the veterinary profession, the economy, the welfare of our animals and the maintenance of safety in the food chain.

Vets work extremely hard, often in difficult circumstances. We are lucky that there is an excellent faculty of veterinary medicine in this country. We should recognise that Athlone Institute of Technology provides a very good service by training veterinary nurses. The institute also delivers equine training courses, which are closely related to the matter under discussion although not necessarily relevant to this Bill. As I was closely involved with the former National Council for Educational Awards, which is now known as the Higher Education and Training Awards Council, it is important for me to recognise that all the various courses will develop from certificate to diploma to degree courses, as appropriate. I know HETAC will meet the needs of those who are looking for courses of a high standard.

The standards of the long-established UCD veterinary college are widely acknowledged throughout the world. Many of the college's graduates are recognised for their expertise, not only as practitioners but also as professionals in the fields of research and teaching. The college provides education and training on various aspects of the duties of veterinary professionals, as delivered by such professionals on a daily basis. I read a fascinating profile of a veterinary professional earlier this week. The woman in question returned from Australia to Ireland, via the UK, to establish a veterinary practice specialising in exotic pets in County Wicklow. It was interesting to read about the wide range of exotic animals, including snakes and rare birds, with which she deals. It must be extremely challenging to treat such animals. The job of doctors is much easier, by comparison, given that their patients can communicate and give some hint of the direction they would like their treatment to take. One’s labrador cannot say whether its grumpy humour is caused by a toothache or a hamstring strain.

Mr. Naughten: I am worried about the rottweiler, rather than the labrador.

Dr. Upton: A certain level of skill is needed to ensure the right treatment is delivered. While veterinary professionals are assisted in that regard by modern technology, including sophis-
[Dr. Upton.]

ticated x-ray equipment and radiological techniques, it is important for them to have empathy with large and small domestic animals.

When the Veterinary Practice Bill 2004 has finally been agreed, it is to be hoped that it will address the concerns of veterinary professionals for the standards of their profession. They deserve to be well served by the new legislation.

Mr. Ferris: I wish to share time with Deputies Sargent and Cowley.

Acting Chairman (Mr. Sherlock): Is that agreed? Agreed.

Mr. Ferris: I am happy to lend my support and that of Sinn Féin to this Bill because I agree with what it sets out to achieve. It is important that the various veterinary professions are governed by legislation that takes into account the changes in their various areas of expertise. We should ensure that those who comprise the profession are properly qualified and subject to the necessary supervision.

I welcome the updating and broadening of the criteria governing registration in the profession, to take account of various changes and to include specialisations that have not been given the recognition they deserve before now. Part 8 of the Bill is of particular note in this regard because it provides for the statutory recognition of veterinary nurses, who play an increasingly important role in the profession. Everybody who has spoken on this legislation has highlighted the role of veterinary nurses. It is good that their status is being formally recognised in this Bill.

I do not believe one should object to the provisions in section 46 for the temporary registration of suitably qualified persons for particular tasks, although some people have expressed reservations about them. We hope we never again have to face a crisis similar to that presented by the outbreak of foot and mouth disease. If the circumstances of 2001 and 2002 are repeated, however, it is important that we secure the temporary services of persons who can help to contain and eliminate such a threat over a limited period. Some cross-Border provisions should be made in this regard, especially as the cross-Border aspect of the preventative work that followed the outbreak of foot and mouth disease in 2001 was noted by all public representatives, regardless of their political persuasion.

Concern has been expressed by people who are involved in, or have contact with, the veterinary profession about other aspects of the Bill, such as the provisions in sections 16 and 17 for the composition of a veterinary council, which will be charged with regulating the sector in line with this new legislation. Some people are worried that just seven of the 17 members of the council will be members of the veterinary profession. Problems have arisen in other sectors when the impression has been given that certain professions operate a system of regulation that makes it seem that they are immune from real public scrutiny. Submissions were received from the veterinary profession and discussions took place before this Bill was published. While the profession did not seek a majority on the council, it called for an increase in the number of veterinary professionals on it. Perhaps one or two extra veterinary professionals can be accommodated at a later stage.

There is a need for people who do not have a direct interest in the profession to be part of the regulating authority. That can be provided for without reducing the proportion of professional representatives to a minority. The other nominees to the council are uncontroversial. They will represent the Food Safety Authority, the Department of Education and Science and the Office of the Director of Consumer Affairs. One of the members of the council will be a veterinary nurse. I welcome such provisions, which are among the positive elements of this Bill.

I am concerned by the lack of statutory representation of farmers, who are the main users of veterinary services, on the council. While there is nothing to prevent the Minister from appointing a representative of farmers as one of her four nominees, it would be better if the legislation specifically provided for such representation. I trust the Minister will appoint representatives of farmers to the council, rather than nominating a person to whom it is felt some political reward is owed for past service, but who does not bring personal knowledge or expertise to the area.

Mr. Browne: That would never happen.

Mr. Ferris: It often seems that such people are chosen when bodies of this nature are being appointed. People are given such positions as a way of providing them with a kind of retirement fund.

Mr. Naughten: Many such people are farmers.

Mr. Browne: We will not go there.

Mr. Ferris: The farming organisations should be asked to nominate a member of the proposed veterinary council because the system of political appointments is open to abuse. I do not suggest that the Minister of State, Deputy Browne, abuses it.

Mr. Naughten: He is looking forward to doing so at some stage.

Mr. Browne: What about a certain farmer from County Donegal?

Mr. Ferris: The Bill appears to exclude farmers, or others with personal experience of certain practices, from performing fairly basic animal care procedures, such as the paring of hooves. It will be ridiculous if farmers have to call veterinary professionals every time they want to perform such a relatively simple task, which can be done safely and without causing harm to animals by
those reared on farms or with direct experience of animals. I will be breaking the law if I pare a donkey’s hooves, as I did last weekend, after this legislation is enacted. I would not like to break the law.

Mr. Naughten: The hooves of donkeys are quite valuable. There is a great trade in donkeys in Ballinasloe.

Mr. Ferris: The relevant section of this legislation should be re-examined and, if necessary, amended. Perhaps that can be done by changing the definitions in section 54.

The Animal and Plant Health Association has highlighted another issue, which relates to the sale and provision of certain animal medicines. Most of the people involved in this area, including many farmers, feel that if the Bill is not amended, such items will be sold by qualified veterinary practitioners only. That is unnecessary, given the nature of the remedies in question. It would also add to the costs imposed on farmers. While it is of course in everyone’s interest to insure harmful and illegal substances are not sold as animal medicines, we are dealing in this regard with legitimate retailers and safe substances. The current system of operation, whereby the co-ops and others are a source of supply to farmers, has worked well. If supply is by prescription only and farmers must visit a vet, cost will be a factor and a black market will be created. This will undo much of the good work in the Bill. The Minister should reconsider the matter to ensure it does not happen.

While I am generally in support of the Bill, there are areas which may require further amendment. I may return to these during the progress of the legislation.

Dr. Cowley: I support the Bill. The importance of vets is widely recognised. As a rural general practitioner, I have much in common with them. I have often been asked to treat animals, although I stopped short of treating an Alsatian with a fish hook embedded in its jaw.

Mr. Naughten: That was definitely passing the buck.

Dr. Cowley: As I value my hands, I was glad to refer the matter to a veterinary surgeon in Westport. Vets do valuable work. It is only right that there would be adequate legislation to ensure that development proceeds correctly in the veterinary trade.

In the Dail last week I raised the issue of alternative practitioners. The Bill is in stark contrast to the manner in which the Government has treated the regulation of alternative practitioners, who deserve similar legislation. However, we seem to treat our animals better than people on some occasions, of which this is one. With regard to alternative practitioners, animal health will be better regulated than human health following the passage of the Bill.

Staff at Davitt House in Castlebar are to be redeployed because of changes to the single payment system for farmers. I pay tribute to those staff who have worked hard to get the single payment system sorted out — I understand today is their last day. The staff are in limbo because they do not know what is happening, although they deserve to know. Any redeployment would involve shift work, which is unsuitable for those with families. I raised this matter in the House and was present when Deputy Kenny raised it, although the Minister for Agriculture and Food stated I was not present at that time. I raised the matter with her on one occasion.

Changes have been made to the Bill since it was passed in the Seanad. Sections 14 and 22 seem to give the Minister for Agriculture and Food very strong powers, in particular during times of dispute. When those sections are considered with section 45, there is cause for concern. If the provision is to deal with a pandemic, why is this not stated? Why not limit the measure to class A diseases? A future Minister might interpret limited registration differently and it is possible that a court would also do so if some kind of challenge were brought.

My other major concern relates to section 127 whereby authorised officers of the veterinary council can enter and search the premises of a vet without a search warrant, by force if necessary. However, a search warrant must be obtained to search the premises of a lay person. The Minister stated she would discuss this issue with the Attorney General.

I thought the new Bill would give an opportunity to regulate para-veterinary services, such as hoof trimming and so forth. The Minister has not opted to regulate such services at this stage but she might consider it. Although veterinary practice in Ireland is changing rapidly from a mainly agricultural service to a greater percentage of companion animal work, the emphasis of the Bill is still very much on the agricultural side of the practice.

Currently, only vets are eligible to be on the veterinary register. Under the new proposals, the register would contain persons who are not vets but who have limited registration, such as laboratory scientists. These persons would not have to have a veterinary degree but would be called veterinary practitioners with limited registration. The legislation replaced by the Veterinary Practitioners Bill is the Veterinary Surgeons Act. Some vets see this change as a demotion, believe it or not, as if they were no longer deemed surgeons. The Bill broadens the definition of veterinary practitioners but that may prove misleading in the interests of animal welfare, especially in the treatment of small animals.

There is increased leeway for non-vets to carry out veterinary procedures on animals. Veterinary practitioners with limited registration will flock in, it is felt, from the east of Europe. There is a view that such vets are not trained to the same level as those trained in Irish colleges. Yet the Minister for Agriculture and Food is willing to
allow them to set up as veterinary practitioners, which worries vets.

There are onerous entry requirements for veterinary schools as for medical schools. Moreover, the life of a vet, no more than that of a rural doctor, is very tough. It would be easier if they could talk to the animals, as Dr. Doolittle said. As with vets, doctors must treat children who are too young to talk. They have great sympathy with vets, who must deal with animals that cannot describe what is wrong with them.

Vets deserve to be well treated and respected for their qualifications. It is necessary that there would not be unfair competition. A feeling exists that all that would be required to set up as a vet following passage of the Bill is for a person to prove he or she attended a veterinary college and has no criminal record. A further concern is that the potential for falsification of documents is substantial in the countries concerned. The Minister should outline how the Department intends to research and verify documents to prove they are legitimate.

Many staff currently working in the Department of Agriculture and Food in quality control type positions are apparently applying for the new title of veterinary practitioner with limited registration. Would it be fair to let unqualified people loose on the animal population? How would this area be policed? Some vets feel that the Department’s plan to prove and investigate these records is inadequate. They think it is unfair to admit to the register those less qualified than vets who may have spent five years studying in veterinary college and another four years completing a PhD, for example. Some feel let down by the Minister’s plans to appoint as vets those who are less qualified than Irish vets.

The Veterinary Council of Ireland has a poor ratio of vets to council members. The constitution of the council of 17 members has as few as seven regular veterinary practitioners, and the remainder includes people with no veterinary qualifications. I can see the point of having a broad representation but vets may see this as a further dilution of their authority. The council will include persons nominated by the Minister for Education and Science, the Director of Consumer Affairs and the Food Safety Authority of Ireland, and a veterinary nurse. Vets claim they need to be properly represented on the board and see these appointments as excessive dilution.

It seems unfair to have vets judged, and possibly struck off, by council members who do not have equivalent and relevant qualifications. However, a disciplinary committee is a good thing and vets do not disagree with this. Currently, a vet may only be struck off or fined as appropriate if he or she interferes with TB testing. A good disciplinary body raises the tone of the profession across the board and would help.

It is felt that the veterinary council needs to raise its level of involvement in the profession as a whole, especially in regard to food safety. Council members who are not vets who would meet the standard of approval would include doctors on food safety issues, pharmacists, representatives of the National Drugs Advisory Board, a member of the IFA or a professor in the agriculture department of a university. Vets disagree with representatives of animal welfare agencies who often have no qualifications and, although well-meaning, are often self-appointed and have their own agendas. The animal welfare agencies certainly have a point of view but vets can feel threatened by a council with less veterinary representation.

Considering there are vets throughout the country, is it necessary to have provisions which would allow lay people to carry out emergency veterinary procedures? Vets maintain that it takes less than 20 minutes to answer an emergency call, although some might disagree with that assertion. However, vets have fears regarding such provisions. Some vets regard the legislation as making them feel less wanted. They perhaps do not want lay people to be allowed to provide treatment in emergency situations. It is not that they do not wish for emergency situations to be dealt with, but in terms of human medicine people do not know what constitutes an emergency. They might see a calf injured on the road but not know the best thing to do. They may think it best to run the calf over with a car, or something similarly silly. These are the sort of issues which pass through people’s mind and any change is difficult.

I support the thrust of the Bill and have stated my reservations. We value our vets, in particular along the western seaboard. It is important that they be allowed to continue testing for TB as well as their other work. We must ensure that legislation is in place but we must also value our vets.

Mr. Sargent: Tá áthas orm deis a fháil labhairt ar an mBille agus tá cúpla rud le rá agam atá antábhachtach mar tá an reachtaíocht an-tábhachtach, mar atá an proifisiún an-tábhachtach i saol na tíre agus go mór mhóir i saol na talamháiochta sa tír.

The Veterinary Surgeons Acts 1931 to 1960 will be repealed by the enactment of this legislation, so there is hopefully a considerable body of expertise and experience behind it. Equally there has been quite a change in veterinary practice and conditions around the country in general which require expertise. It is therefore important that this is addressed in a calm and systematic manner.

The state of agriculture in this country has suffered from the closure of many of the abattoirs which provided a local access point for farmers, and the heavy reliance on large meat factories should be on our minds with regard to this legislation and in general. The veterinary profession is a very important part of the ongoing regulations needed to maintain a wide and plenteous network of abattoirs if that could be managed. It would certainly help in terms of options for farmers compared to what currently happens.

It is very important that the Minister takes on board the fear that exists amongst many vets,
some of whom I have spoken with. Although the recognition of veterinary nurses is a good development, there is a perceived fear that a person who is not registered or fully qualified as a vet would be empowered to set up in opposition to a vet. The Minister must clarify the matter so there is no reduction or lessening of standards. The high standards which vets must attain in training should be applied to those who wish to be recognised as fully registered. It has been suggested that the registration and recognition of veterinary nurses or “mini” vets, whatever that term means, should be subject to a new examination of the training process. This has happened in other professions, such as nursing and teaching, where recognition has been increased from what the training colleges did to what the colleges of education now do. Similarly, if there is a new level of recognition, it is perhaps necessary to look at the training process so veterinary nurses are equipped beyond that which they do at the moment. This issue should be negotiated between all concerned, rather than being prescriptive.

Many vets in towns and cities work primarily with small animals. However, as previously discussed in the House, not all small animals are treated for the sake of making them healthy or having their lives terminated on humane grounds. Some of them are used in the very dubious and unacceptable practice of fur farming. It represents a very tiny part of the country’s economic activity but has a big impact in rural areas, for example, in terms of escaped minks. The issue should be examined again in the context of the general discussion surrounding this legislation as to what we expect vets to do. A vet does not get job satisfaction from being in any way involved in the slaughter of thousands of small animals for the sake of vanity.

Testing, in terms of TB eradication schemes, needs to be reviewed in the context of new and ongoing threats to this country. Luckily we managed to escape relatively unscathed with regard to the foot and mouth disease epidemic. However, there is still a need to be very vigilant and this legislation gives us an opportunity to re-examine the way in which we test for Johne’s disease, IBR, leptospirosis, BCD and others. These have a greater economic impact than in terms of animal welfare or health. The matter should be examined again because the issue must be addressed.

Debate adjourned.

Private Members’ Business.

Public Expenditure: Motion.

Ms Burton: I move:

That Dáil Éireann,

deplores the shocking waste of taxpayers money highlighted in the recent Prime Time Investigates programme and a number of recent reports of the Comptroller and Auditor General including, among others:

— the huge over-run in the cost of the roads programme in the early years of the National Development Programme, which means that the eventual cost will be more than €16 billion rather than the €7 billion originally estimated;

— the specific findings of the Interim Report of the Hearings of the Public Accounts Committee, published on May 12th, that identified a number of road projects, originally estimated to cost €562 million that ended up costing €984 million;

— the decision to buy a site for a new prison at a cost of almost €30 million which may not prove suitable for the purposes intended, when cheaper, more suitable alternative sites were available;

— the acquisition over a number of years of buildings to house asylum seekers which were never used and which remain empty;

— a whole range of other projects initiated by this Government involving either a total waste of money or massive over-runs, including Abbotstown, the Punchestown Equestrian Centre, e-voting, the failure to properly cost the extension of medical cards to the over 70s, and the indemnity deal agreed with the religious orders outside normal Cabinet procedures;

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— a whole range of other projects initiated by this Government involving either a total waste of money or massive over-runs, including Abbotstown, the Punchestown Equestrian Centre, e-voting, the failure to properly cost the extension of medical cards to the over 70s, and the indemnity deal agreed with the religious orders outside normal Cabinet procedures;

conscious that this wasteful use of money has meant that there are less funds available for vital infrastructure, such as public transport and for a wide range of essential public services such as health, education, welfare, carers, home-help, the disability sector and many others;

condemns the mismanagement and lack of public accountability exercised by this Government and its failure to ensure that taxpayers got value for their money;

calls on the Government to implement in full the recommendations of the NESC Study ‘Achieving Quality Outcomes: The Management of Public Expenditure’; and

calls on the Houses of the Oireachtas Commission, following consultation with the Working Group of Committee Chairmen and the Committee of Public Accounts, to bring forward concrete proposals for the establishment of an Office of Management and Budget, to be attached to Dáil Éireann and to assist this House in the assessment of proposals for major public expenditure and
This motion deals with the Government’s gross waste of taxpayers’ money through cost overruns and failed projects. Everyone here can draw up a long catalogue of Government waste. I am sure we will hear from some of the Deputies opposite about cost overruns when we held office. That is fair enough but the point of our motion——

Mr. Parlon: Did the Deputy’s party in Government not spend any money?

An Leas-Cheann Comhairle: Order, please.

Ms Burton: ——is not about any one particular project, although we could go on for hours about one or another of the Minister of State’s failed projects. Our motion is concerned with the pattern established and the wholly inadequate Government response to that pattern. All Governments waste resources for one reason or another but this Government has made it into an art form. If there was an Oscar for waste, the Taoiseach, Deputy Bertie Ahern, would win it hands down year in, year out. Indeed, one might formulate the Ahern law of public administration. It is like Lord Acton’s law of politics — power corrupts; absolute power corrupts absolutely. The Ahern version is identical: all Governments waste money; my Government wastes money absolutely.

Given the fact that many functions of government are increasingly co-ordinated with other member states of the European Union, for example, monetary affairs, fiscal policy and even taxation, the biggest single task of a modern Irish Government is to manage public services effectively and efficiently. Another major task is to plan and build new public infrastructure. It is obvious that the longer this incompetent Government stays in office, the worse the job it is doing of both.

Mr. Parlon: Has the Deputy checked the balance of payments lately?

An Leas-Cheann Comhairle: Order, please.

Ms Burton: The examples of Government waste are too numerous to go into great detail, although my colleagues will refer to many of them, but I want to elaborate on three examples. The medical cards for over 70s scheme was announced to great applause from Government benches in the budget of 2001 and welcomed on all sides of this House. What Deputies did not know, however, was the secretive and ham-fisted planning behind the proposal. It was politically motivated to win votes at the expected election a few months later. There were no negotiations with the doctors, no proper costings and not even a proper study of the number of recipients. The cost of the medical card bonanza jumped from an estimated €19 million to an estimated additional annual cost of €51 million.

As the months passed it became necessary to offer a blank cheque to the doctors to implement the policy. The Taoiseach, Deputy Ahern, is no stranger to blank cheques. Blank cheques are what he does best. Blank cheques to his former master is what got him where he is today. There was no problem for him, therefore, in writing another blank cheque to get the matter sorted out before the 2002 election.

The second example I want to examine is the National Roads Authority primary routes improvement scheme. The national development plan proposed investment of €5.6 billion on national roads improvement works in the period 2000 to 2006. By mid-2002, however, the reported estimated cost of completing the national roads improvement programme had jumped to €15.6 billion. Furthermore, a major part of the programme will not be delivered in the period ending in 2006.

Building roads is a worldwide activity. The Romans did it. Every possible eventuality has already been encountered in other countries. We are familiar with many countries that have 50 and 60 years’ experience of the mass construction of national road and motorway networks, including Britain, France, Germany, the Netherlands and so on. Everything the Irish Government needs to know about managing a national road-building programme is easily available to it from neighbouring European states. There is no excuse, therefore, for the overspend on the roads programme. It is incompetence or worse.

When the Comptroller and Auditor General examined the reasons behind the cost increase in the national roads improvement programme, he identified inflation as accounting for 40%, 25% was due to underestimation of costs at the beginning of the programme, 16% was due to a systematic failure to cost certain elements of the schemes at the planning stages and 20% was due to changes in the scope of projects and new works, with the balance accounted for by large increases in the estimated cost of high profile projects such as the Dublin Port tunnel and the south-eastern section of the M50.

The report by the Comptroller and Auditor General noted that the lack of realistic estimates was the main problem. By the time of the adoption of the national development plan, cost estimation had not even been properly developed in the NRA. A cost estimation function was only employed for the first time in 2000, therefore, the NRA had no dedicated in-house expertise to determine or validate the cost of projects until that date. The audit by the Comptroller and Auditor General established that overall, the final cost in these cases averaged out at a startling 42% more than the amount on which tender acceptance was based.

We have a specialist Department of Transport that appears unable to learn the lessons of project management in other countries. Irish people who
travel abroad are used to envying public transport systems in Madrid, Stockholm and even in countries we regard as less developed. Irish people appear to have wearily accepted that our Government has neither the intention nor the ability to plan and implement a good public transport system.

I want to refer to the indemnity deal agreed with the religious institutions. The initial estimate of the potential liability was €258 million. That figure has been shown to be hopelessly far out; the latest estimates are from €610 million up to €1 billion. The Government decision on the establishment of the redress scheme was essentially a political fix. It was informed by estimates of the scale of the likely claims load by the Department but the Department, as the papers have shown, did not have the data to estimate the ultimate liability.

The Committee of Public Accounts has found that in terms of the negotiations with the religious congregations, the State negotiating team had no prior knowledge of the ability of the congregations to pay the contribution expected. The State adopted a 50:50 negotiating position in regard to sharing the cost of redress but ultimately the State team caved in and settled for far less than its original aim. The congregations initially offered a mere €50 million to €60 million and when that was rejected by the Minister, he ended up settling for a mere €128 million.

The weakness of the Government’s position in its negotiations with the congregations led the Committee of Public Accounts, which is made up of Deputies from all parties, to make the near-absurd conclusion that: “The strength of the State’s negotiating team should be equal, at all times, to that of those with whom they are negotiating”. That is a sad commentary on public service management in this country. There should be no need to make such an obvious statement concerning the competence and responsibility of those representing the State in important negotiations. All too often, however, this Government is allowing the citizens of this State to be consistently out-smarted by better organised interest groups and we are paying the price for our Government’s incompetence.

There are two main failings of Government — lack of competence and lack of accountability. Since 2001, expenditure reviews have been introduced for minor programmes but not for the major programmes in health services, education or social welfare. The continental European concept of structured organisational learning from past performance is virtually absent from the main Irish public services. We do not have the sense of an institutional memory in terms of what we got right, what we got wrong and what we learn from the past. To compound the problem, managers and senior managers do not have the necessary management and technical skills to run large specialist or complex services that aim to deliver services.

In an earlier simpler world, it may have sufficed for public officials with a generalist education to run sections of the civil or public service but it does not suffice today. Furthermore, Ministers do not have expert advisers. Instead, they appoint spin-doctors and PR companies to either explain away or hide the mistakes. In many European countries, a Minister responsible for a public service Department typically recruits expert advisers in that field to work in the ministerial office, and that is in addition to the many specialist experts already working in the permanent civil service.

In the Irish public service, where high quality managers with good qualifications and experience have been recruited from outside the Irish public system, they have left both the organisation and the country after a short tenure because of the difficulty of working with the Irish public administrative system. There are a number of very well known examples.

There is a competence deficit not only at technical and managerial level but also at the top level of political leadership. There is a question mark over the competence and suitability of many Ministers to give political direction to major Departments. Deputies Cowen and Martin, who both served as Ministers with responsibility for health, have fine qualities but one must wonder if they were capable of getting to grips with the complex governance issues of the health service. Deputy Cowen made no secret of his anxiety to depart the “Angola brief” for another Department as soon as the Taoiseach would sign his release papers. Deputy Martin has defended his ministerial performance robustly but his overall record is very disappointing.

A culture of full accountability and responsibility is absent from the current political system. The disgraceful refusal of former Minister for Health and Children, Deputy Martin, to accept any responsibility for the illegal nursing home charges is just a particularly glaring example. This culture comes from the Ministers and permeates right down to the permanent public service. Nobody is held fully accountable, nobody is fired and rarely are officials identified as being responsible for incompetence.

In summary, this Government is neither able nor willing to reform the Government and administrative systems to get better levels of service to the public from the taxes the public pay. We need a Dáil body to oversee the management of public service delivery at a reasonable cost. Public servants are big losers from Government mismanagement. Their hard work and dedication is often not properly utilised and frequently goes unappreciated by the general public when the public are frustrated by a badly organised and badly managed system. We all lose from Government mismanagement and incompetence.

The Irish public is forced to accept inferior and inadequate levels of public services because this Government cannot manage. The Forfas annual competitiveness report for 2004 shows Ireland 15
out of 16 countries in terms of overall infrastructure, transport infrastructure, ports, communications infrastructure, energy infrastructure and 14 out of 15 countries in terms of broadband access. These failures in competitiveness arising from lack of infrastructure cost the economy dearly and as the Minister knows, they deter direct foreign investors into this country.

How much of our knowledge of the overspending is due to freedom of information and the Freedom of Information Act? We know about the Abbotstown fiasco because of the operation of that Act. We know about the breakdown in the relationship between the former Minister for Finance, Mr. Charlie McCreevy, and the former Minister for Health and Children, Deputy Micheál Martin, because of FOI. We would not understand half as much as we do now about the shambles that is our medical service and health system without FOI. We have a much clearer picture of the mismanagement of the Luas project through the use of FOI.

No wonder the Government saw fit to fillet the FOI Act. This filleting has without a doubt significantly reduced public and media insight into spending and project management in Departments. We must both reinstate the Freedom of Information Act and establish powers of oversight by the Oireachtas of this Government’s spending. Otherwise it will continue to spend like a drunken sailor.

The Minister’s response on behalf of the Government to the Labour Party motion is pathetic and includes a list of management words. The Government will have targeted reforms, modernisation of the system of public procurement, new guidelines for the appraisal and management of capital expenditure programmes and rolling multi-annual capital envelopes for better management. We have heard it so often before and I am afraid this Government has not been able to produce.

The former Minister for Finance, Mr. Charlie McCreevy’s, big idea for reform three years ago this month was the national development finance agency. Can anyone even remember? Mr. McCreevy rushed the NDFA Act through the Oireachtas at the behest of the Taoiseach as the answer to inefficiency in infrastructure building. In fact, the NDFA has been a flop and a waste of public money.

Recently it was forced to disengage from the PPP upgrade of the M50 because of a conflict of interest with the National Pension Reserve Fund, which is supporting a private sector bidder for the second phase of the upgrade. Why did the Government not identify this problem when it concocted the NDFA idea?

We are all aware of the closeness between Fianna Fáil and the construction industry. Is this extraordinary closeness one of the reasons for short-changing the taxpayer time and again on construction projects? There is more than one way of skinning a cat. While we hope that the era of brown envelopes is over, who is to say that the extraordinary amount of socialising and shmoozing that takes place between the parties of Government and big business blurs the critical faculties of Ministers when it comes to assessing value for money on public contracts.

The Government, in its response, seems indifferent to value for money for the taxpaying public. If the Government had got spending and management of infrastructure right, Dublin could have a public transport system not necessarily on a par with Madrid but perhaps comparable to Budapest, Lisbon or a range of European cities with which we might reasonably compare ourselves, or even expect to be better than.

Without a doubt our children would be in smaller classes as promised by this Government three years ago and the current backlog of new and refurbished schools would have been met. I am sure the Minister is aware that in parts of my constituency the first phone call made when parents bring a new baby home is to find out how to get the child into a primary school four years later, such is the shortage of primary school places.

I smiled yesterday when I heard the Taoiseach promise to fight the flab and eliminate obesity. I do not know if he was talking about Government spending. Is he aware that in many newer areas the Department of Education and Science is now building three storey schools on sites that have been reduced from the standard five acres to three acres? Is he aware that routinely there is little access to gym or sports activities in many schools because there are no facilities? In parts of Dublin the ban on playground running around arises from overcrowding and not primarily from insurance based fears.

If we spent money properly, trolleys in hospitals would be for short-term emergency cases and not the semi-permanent beds they have become. Perhaps the health service would have seen innovations common in other countries, such as rural helicopter-based emergency medical services.

Many women throughout Ireland are still without access to the BreastCheck service, not due to lack of money but rather to our old friends’ incompetence and lack of ministerial direction.

Many elderly people enter nursing homes far earlier than they otherwise might because they cannot obtain State funding for home supports to make their homes more user-friendly in their advancing years.

In my constituency, one of the cost overruns that is most galling to people is the purchase, for €30 million, of a site for a prison at Thornton in north County Dublin, when similar farms were available from €4 million to €6 million. This public money, this largesse by the Minister, Deputy McDowell, could have been used to fund primary schools and leisure facilities for growing local communities in Blanchardstown and Swords. Instead, however, the beneficiaries of
Government largesse are, yet again, land owners and speculators.

The list of projects short-changed, infrastructure and essential services denied goes on and on. These cost overruns have not only meant infrastructure arriving late and poorly delivered, but they have also denied us much infrastructure that the rest of our EU partners now take for granted. It really is time for the Government to go.

I wish to share time with Deputy Shortall and Deputy Quinn.

**Ms Shortall:** I wish to focus the attention of the House on the budget overruns and the waste of public money in respect of transport projects. The most obvious example is spending on roads. The recent “Prime Time” exposé, as well as last week’s report by the Committee of Public Accounts and last year’s review by the Comptroller and Auditor General of the primary routes improvement programme, have pointed to the same thing — a culture of negligence, oversight and waste when it comes to the use of public funds on major infrastructural projects.

When we talk about overspending on such transport projects the figures are always in billions of euro, not millions. Spending on roads and public transport projects generally must be brought under control to ensure that the taxpayer gets value for money from the public finances. The excessive overspending represents a vast sum of money which is urgently needed elsewhere.

Last year, we heard from the Comptroller and Auditor General that over the course of the national development plan’s roads programme, costs increased from €7 billion to €16 billion. In particular, the Comptroller and Auditor General highlighted the flawed procurement procedures and estimation processes that the National Roads Authority works to, including a systematic failure to cost certain elements of schemes at the planning stage.

This was underlined by last week’s report from the Committee of Public Accounts. The committee’s examination of road contracts delivered under conventional contracts shows an overrun of €357 million between the original estimate for these schemes and the eventual cost. They varied from €495 million, which was the original estimate, to an eventual cost of €855 million, an overrun of 72%.

In the case of design and build contracts the situation was even worse. They showed a 100% increase from an original estimate of €63.6 million to an eventual cost of €128 million. Deficiencies in the cost estimation procedures drawn up some years ago are a significant reason for the cost overrun. In addition, changes in the scope of the projects, generally decided at ministerial level with little reference to the cost, accounted for 20% of the overrun, a whopping €1.8 billion.

We saw a prime example of this in the roads needs study that was drawn up by the NRA in 1998. It was a programme of road improvements affecting the whole country. In some cases, motorways or dual carriageways were proposed depending on local demand. At ministerial level, however, decisions were taken to upgrade several dual carriageways to motorways, which accounted for €1.8 billion.

Decisions were taken, primarily for political reasons, to propose roads with a capacity of 55,000 vehicles per day. The likelihood is, however, that the daily demand for road space in those areas will not exceed 10,000 vehicles. Those political decisions amounted to an overrun of €1.8 billion for the roads programme. We should consider what other transport projects could be funded by that sum. For example, that amount of money would pay for 6,000 buses, which is more than five times the existing Dublin Bus fleet.

Decisions are being taken by the Government to spend substantial amounts of money in certain areas, often for political reasons. The effect is that other areas are being neglected. There is a lot of catching up to be done in terms of public transport provision. We can see that is the case in Dublin and elsewhere where the supply of public transport is not meeting demand. One only has to travel by DART or train to see people packed in like sardines. People must wait in bus queues for long periods every morning. There is no incentive for people to follow the official policy, which aims to attract the public from cars to public transport because the supply of buses and trains is inadequate.

Recently, the NRA appointed a cost estimation manager and the Committee of Public Accounts has recognised that some improvements have been made. It begs the question, however, why such a post did not exist from the start. The most important job the NRA must undertake is to estimate the cost of motorway schemes, yet until recently it did not have sufficient financial expertise to do so. That oversight was responsible for approximately 15% of the €9 billion overrun.

The cost of the Nenagh bypass has doubled from the original estimate of €21 million to €43 million. Similarly, the original estimate of the Drogheda bypass was €112 million, while the final cost was €244 million. All the overruns involve ballpark figures of between 70% and 100% of the original estimates. Massive amounts of money are being squandered through the lack of proper control on public spending.

In recent years there has been a move towards the use of public private partnerships for motorway projects. The main experience to date, which was a disastrous one, has been the West-Link bridge. Taxpayers have been paying through the nose — €1.80 every time a driver passes that bridge — and they will continue to pay steadily increasing toll charges until 2020. The initial investment by the NTR company will see a 2,000% return. We have been assured that lessons have been learned from that bad experience, but how can we be sure?

For example, major questions remain to be answered about the actual cost of the N4-N6 Kilcock-Kinnegad scheme. We are told that this
Mr. Quinn: I welcome the attendance of the Minister for Finance and recognise that he has not yet completed 12 months in office. Although many of the projects referred to arose from decisions taken while he was in other Departments, he was, nevertheless, at the Cabinet table.

It will probably be argued that inflation was the big demon and main cause of our problems. We will hear it was at such a level that over the period between the original provision of the estimate and the completion of the final contract it accounted for the main cause of the increase in costs. Although, on the surface, this anonymous, objective animal called inflation has nothing to do with the Government, I contend the contrary is the case. No Government in the history of the State entered office with the economy in such a buoyant state as the Fianna Fáil-Progressive Democrats coalition which took power in 1997. The economy had been growing for three or four years following a difficult period and internationally the macroeconomic circumstances of the European Union were particularly benign. Interest rates, for example, were falling because of the convergence of the currencies around what became the euro.

The response of the Government to this positive macroeconomic climate was to pour fuel on the fire. As a result of unnecessary tax cuts, particularly in the capital gains area, the economy spun out of control. Cost inflation roared relative to other economies and much of the money that became available was invested in the construction industry, which was simply let rip. If any Minister, including the Minister for Finance, wants to suggest that inflation, by some invisible hand, created the cost difficulties associated with the various projects to which my colleagues referred, he or she must first examine what lay behind it by asking why it was higher here than in other European countries and why construction inflation was much higher here than among our EU partners.

I and my Labour Party colleagues do not accept that something is wrong with the public service or that we have a genetic defect which has caused us to fail to plan properly or take the steps we need to take. We recently celebrated a successful Irish Presidency, staffed by the same people who others now attempt to blame as being incompetent or incapable of doing their jobs. Public servants have been given bad political leadership. The value for money unit function in the Department of Finance under the former Minister for Finance, Charlie McCreevy, failed. Either it was not commissioned or was decommissioned, or it was not allowed to give its clear, coherent point of view. The control systems available were not properly used or were not upgraded to carry out the task.

Instead of a national development plan, we had a national expenditure plan which was not coordinated between different arms of Government. According to a reply I received in the House many years ago from the then Minister for Health and Children, Deputy Martin, the Taoiseach was supposed to be the project manager of the national development plan. An examination of the management of the plan shows that keeping an eye on costs and cross-referencing them in areas of expenditure is simply not a credible proposition. For this reason, in addition to giving the Dáil much greater scrutiny of expenditure, as outlined by Deputy Burton, value for money units must be re-established in the Departments of Enterprise, Trade and Employment and Finance as well as in other big spending areas. We must enable and equip our public service personnel with the necessary skills, manpower and expertise to do this task.

It is ironic that a country whose people, by virtue of emigration to the United States and Britain over a period of 150 years, have acquired a repu-
tation for having a particular aptitude for building and development in the private and public sectors of the two countries I mentioned, can have a thriving private sector but makes a complete mess of its public sphere. There must be an explanation which goes beyond inflation and blaming the public service. That explanation rests with uncoordinated Government leadership and ministerial responsibility.

I share a constituency with the Minister for Justice, Equality and Law Reform, and any other role one cares to ascribe to him. At private and public meetings, some of which I have heard about while others I have attended, he has excoriated the legacy the Government parties inherited when they entered Government and suggested the relative failure of the State over the previous two to three decades was a result of a social democratic bias which inevitably lead to a tax and spend mentality that swamped enterprise, snuffed out individual merit and deprived the nation of the vigours of uncontrolled private enterprise.

The same Minister is perhaps the most spectacular sinner when it comes to having a cavalier attitude to tax and waste. As Deputy Burton noted, the rushed and extraordinary decision to buy a farm in north County Dublin for €30 million to build a prison when other farms in the area had gone for sale for €4 million to €6 million is inexplicable. The figure in question amounted to an overrun of many multiples, but the Minister, in a clip on a “Prime Time” programme, defended his position, pooh-poohed any suggestion that his decision was wrong or rushed and showed a cavalier attitude. He continually talks about taxing and spending and attributes wasteful expenditure to the Opposition parties. There can be no better example of waste than the purchase in question, a case for which he had personal responsibility. Is there any sign that he will make himself accountable for his actions or at least apologise for them in the House?

Meanwhile, across the river in the national theatre, a State company, the managing director chose to resign because its figures were wrong by €900,000 and the artistic director departed earlier than he had intended. The two individuals in question took responsibility for a clear case of mismanagement in the company. If senior management in private sector companies, which the Minister, Deputy McDowell, and most of the Fianna Fáil Party love so much, had the same track record as senior management in Government, namely, the Cabinet, they would be obliged by shareholders at minimum to resign, if not attempt to pay back some of the money. Too many worthwhile social projects are being denied necessary funds because of the wilful waste of this Administration.

Minister for Finance (Mr. Cowen): I move amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

“commends the Government on:
- making available unprecedented levels of investment to urgently tackle infrastructural priorities, including investment of €36.3 billion planned for the period 2005-09;
- the steps which they have taken to promote more efficient and effective management of public capital programmes and projects and to optimise value for money from public capital investment;
- the major advances already made in bridging the infrastructural and social deficits resulting from underspending in earlier periods; and

in this regard acknowledges:
- the trebling of public capital investment since 1997;
- the steps taken by Departments and agencies such as the NRA to improve their management of capital programmes and projects;
- the introduction in 2004 of rolling multiannual capital envelopes for better management and control of public capital programmes and projects;
- the publication this year of new guidelines for the appraisal and management of capital expenditure proposals in the public sector; and
- the Minister for Finance’s plans to introduce targeted reforms to the procurement of public construction contracts and reform and modernisation of the system for employing construction-related consultants.”

In my address I will focus on the issue of value for money for the vast amount of funds provided each year by taxpayers. I will outline what the Government has done to address some of the issues in the public contract area. I will also point to the real improvement in public services that has occurred across the board over the lifetime of the Government and its predecessor.

The Government has managed the resources of the country well. The country has been transformed since 1997. Our record is one of success, one that stands up and that is regarded as an example for the European economy. This is true whether the measure used is economic growth, jobs created, the level of unemployment or the burden of debt. This economic success has generated resources to massively expand our public infrastructure and our public services against a background where there was historic underinvestment by successive Governments for a range of reasons over decades. The idea that one Administration can sort that out overnight is ridiculous.

There have, however, been instances over the years that could have been managed better. Some
of my ministerial colleagues will deal with their own particular areas in this debate and I do not intend to comment on specific areas. My colleague, the Minister for Justice, Equality and Law Reform, addressed criticisms on the accommodation of asylum seekers and the proposed prison site at Thornton during Question Time today. The Minister for Transport will address criticisms of the roads programme, indicating the steps taken by his Department and the NRA to improve the management and cost effectiveness of the roads programme.

As investment projects proceed from initial concept to final tender price, the estimates change as more information comes to light and changes in the scope and specifications are made. Often it can be many years before a project moves from concept to tender stage and it is ridiculous to compare estimates at both these stages. The key benchmark for comparison purposes of cost overruns is the tender price. When a person is in a position to do the job, is it done for the price in the tender? That is the issue. To suggest otherwise is to suggest that costing can be based on doing everything the same day in the same way. It is ridiculous. If we are to have an intelligent discussion that does not suggest everything is all right or is a waste of time, we must have an honest debate about the issues before us.

The Comptroller and Auditor General’s report of April 2004 detailed the reasons for the increase in the cost of the NDP roads programme. He identified construction and land inflation as contributing 40% of the cost increase. He further said that less than 20% was due to initial cost underestimation, which he put down to a systematic failure to cost certain elements of the schemes at the planning stage.

The recent report by the Committee of Public Accounts on foot of the Comptroller and Auditor General’s examination noted that the cost of the roads programme in the early years of the NDP had increased sharply. However, it attributed the increase to a considerable expansion in the scope and the number of projects involved, a high rate of construction inflation and an earlier deficiency in the cost estimation prior to 2000.

The committee acknowledged that the NRA had advanced significantly on its situation four or five years ago and had made improvements incrementally. That is the fair and accurate picture of the situation.

Ms Shortall: There is still a long way to go.

Mr. Cowen: That is an accurate reflection and I heard no one proposing the motion making those balanced points.

Ms Burton: I read out the figures.

Mr. Cowen: I did not interrupt any Opposition speakers. Every time a Minister speaks, people have more to say. Opposition Deputies were listened to with respect and they should reciprocate.

The establishment of the cost estimation function and the expertise that has come with it are showing results. The committee further acknowledged that contracting procedures had improved since my predecessor announced different ways of contracting. Many road construction projects are being completed on or within schedule and within budget, but that was not mentioned in the motion. Recent examples include the N2 Carrickmacross bypass — three months ahead of schedule — the Monasterevin bypass — one year ahead of schedule — and the Cashel bypass — seven months ahead of schedule. We must also acknowledge that in the transport area in particular delays have arisen as a result of planning and environmental objections and legal challenges, many of them supported by those on the other side of the House.

The Government’s investment programme, both under the NDP and the new multi-annual investment envelope, is making real progress in addressing our infrastructure deficits. Measured as a proportion of output, this is taking place at twice the rate in Europe generally. I will outline progress later in my address but the key point is that this investment, which will amount to in excess of €36 billion over the period 2005-09, must be made to ensure our future economic well-being.

We must, as a matter of course, strive at all times to do things better. The Government has been proactively addressing the issues of better management and implementation of capital programmes and projects and my Department is playing a central part in this process.

I will now outline for the House some of the initiatives the Government has put or is putting in place to enhance the management of capital programmes and projects. One of my key roles as Minister for Finance is to advise Government on prioritisation of resources for capital investment purposes and setting the framework within which capital programmes and projects must be appraised and implemented. On foot of this role I have, with Government approval, taken forward the work commenced by my predecessor on the following initiatives: the five-year rolling multi-annual capital envelopes framework incorporating a carry-over facility, guidelines for the appraisal and management of capital expenditure, rules relating to public procurement and public sector contracts.

Prior to the budget in 2004, the capital allocation for each year was decided in the budget for that year. This gave rise to considerable uncertainty and to a stop-go approach to capital spending. In addition, money not spent within the year had to be surrendered to the Exchequer, giving rise to further difficulties with managing projects.

We changed that by introducing across the board a major reform of the system of allocating capital investment resources. Five-year funding
plans for each ministerial area were agreed. Provision was also made for the first time to allow for the carry-over to the next year of unspent allocations up to a maximum of 10% of these capital provisions. The objective of the new system is to introduce relative medium-term financial certainty for Ministers and implementing agencies so that they can better plan and execute their capital programmes. The benefit of that is there for all to see. That is particularly important given the scale and timeframe of many of our modern infrastructural projects. The carry-over system allows agencies to get away from the tendency to rush end-year expenditure under the old system.

The multi-annual framework is underpinned by requirements designed to ensure that the substantial financial commitments in the envelopes are complemented by a commitment by Departments and agencies to implement all the guidance laid down by the Department of Finance on the appraisal, procurement and management of capital projects. The arrangements also now require that each Department furnish an annual report to my Department detailing progress on the rolling five-year programme. Departments are also required to carry out selective checks at project level on compliance with the capital appraisal guidelines and to report on this in their annual report.

In essence the new system is promoting better management of capital expenditure by providing relative financial certainty and by underpinning as a complement to this best practice in the management of programmes and projects. The response to the new system has been uniformly positive. The Government introduced that fundamental change and those criticising us now worked in the past on a year-on-year capital programme which, in many cases because of the level of resources, was a maintenance programme to keep the show on the road. Those are the facts.

The Government recently approved my proposals for revised guidelines for the appraisal and management of capital expenditure proposals in the public sector. These are testament to the Government’s commitment to maximising value for money from capital expenditure. They will complement the multi-annual capital envelopes.

The new guidelines are designed to encourage a better approach to appraisal and management of capital programmes and projects and to reflect best practice. Key features of the new guidelines are that all projects over €50 million must undergo a full cost benefit analysis and all capital programmes with an annual value in excess of €50 million and of five years duration or more will, for the first time, be required to be evaluated over the course of each five-year cycle.

The new capital appraisal guidelines contain all that is necessary to assist proper costing, appraisal and efficient execution of projects. The guidelines explicitly state as part of the appraisal process that “the cost of the project should be the expected outturn cost, including construction costs, property acquisition, risk and contingency” and that “the cost of possible future price increases and variations in project outputs should be factored into the calculation of project costs”. That had not been happening until now, giving people the opportunity to claim that the processes were faulty. They have not been. The methodology needed to be comprehensively overseen and the Government has done so. The new guidelines also provide——

**Ms Shortall:** Is it not a bit late?

**Mr. Cowen:** No, what had to be done was all those costs had to be included. Otherwise, there is a false argument. It was never the case that the bypass referred to by the Deputy would cost €21 million. When the project was ready for tendering, no price was mentioned. The Deputy’s argument has only one logic: the project must be undone and taken back.

**Ms Shortall:** It was costed at €18 million but it turned out at €31 million.

**Mr. Cowen:** The new guidelines provide for a clearer definition of the respective roles and responsibilities of Ministers, the Department of Finance, other Departments and public bodies involved in the management and appraisal of capital programmes and projects. In arriving at policy decisions on either investment programmes or individual projects, Ministers must take all relevant factors into account, such as the economic costs and benefits associated with programmes or projects and considerations of social and public good.

Under the multiannual capital investment framework, Departments must arrange to carry out project level checks for compliance with the capital appraisal guidelines and report on these to the Department of Finance. My Department in turn will carry out spot checks to satisfy itself regarding adherence to the guidelines.

On public procurement, I have announced measures designed to ensure a much closer alignment between the agreed tender price and the final outturn cost of construction projects. I want to achieve much greater cost certainty in construction projects. It will facilitate implementing agencies to plan their capital programmes in an optimal and efficient way by providing relative financial certainty at project level. To achieve this, the Government has decided to introduce fundamental changes in how public sector construction contracts are carried out. With effect from the end of 2005, public sector construction projects will be tendered competitively on the basis of a fixed-price lump sum contract in which appropriate construction risks are identified and transferred to contractors. Under this system the amount of variation, or extras, will be limited to the greatest extent possible.

The Government is also modernising the system for employing consultants, such as engin-
Mr. Cowen: Shouting me down will not change this.

Ms O. Mitchell: Was this in the days of keeping the show on the road?

Mr. Cowen: Since 1997 the Government has invested a cumulative €2.3 billion in public transport. This has lead to major increases in capacity, especially in the greater Dublin area——

Ms Burton: Where?

Ms Shortall: There have been no new buses for four years.

Mr. Cowen: ——including the introduction of the Luas with a capacity of 20 million passengers per annum, an increased 30% capacity on DART services and rail lines to suburban areas.

Mr. D. Wallace: These are the facts to which Deputy Burton should listen.

Ms Burton: When was the last time the Minister took a bus?

Mr. Cowen: The Government has also halted neglect of the rail network by increasing capacity and making our railways safer. When the Government took office, a railway safety programme had to be introduced before any investment could be made because the Opposition left it in an unsafe state.

Ms O. Mitchell: It took this Government only two years to destroy the public transport system.

Ms Burton: When was the last time the Minister was on a train?

Mr. Cowen: Further improvements are underway and more will be done in the years ahead.

The Government has embarked on a hospital modernisation programme, with the largest infrastructure capital expenditure in the last 50 years. Waiting list data collected by the Department of Health and Children at the end of 1997 reported some 45% of adults waiting in excess of 12 months for surgery. This was acceptable to the Opposition when it was last in office. The national treatment purchase fund estimates that waiting times have fallen significantly with 37% of patients now waiting between three and six months and 43% waiting between six and 12 months for surgery. This means that approximately 80% of patients now wait less than one year for treatment, representing a major reduction in waiting time lengths.

The total discharges in inpatient and day care services for 2004 show an increase of over 35% since 1997. The number of day care treatments in 2004 has doubled since 1997. Since the end of 1997, the number of consultant posts has
increased by 47% while there has been a 145% increase in the number of occupational therapists, a three quarter increase in speech and language therapists, a 91% increase in the number of physiotherapists and a 41% increase in the number of medical and dental personnel. These large increases in medical personnel are delivering more treatment across a range of areas. Over 30,000 more personnel are employed in the health sector. Is this a waste of resources?

Ms Burton: The majority is just administrative staff.

Mr. Cowen: This year the Government will spend €7.17 billion in investment in education. This is an increase of over €4.24 billion on the levels we inherited in 1997, leading to major improvements in services. The pupil-teacher ratio has fallen at primary level from 22:7 to 17:4 and at secondary level from 17:7 to 15:4. Some 9,000 more teachers are employed and approximately 6,000 special needs assistants from a base of virtually zero. Is this a waste of resources? At third level the number of students has risen from 95,000 to 139,000 and expenditure per student from €6,500 to €10,800. This has been accompanied by massive increases in capital investment in our schools and colleges from €120 million to almost €500 million.

Significant increases in resources have been made in welfare and carers for disabled persons. For carers, spending has risen from less than €600 million in 1997 to €2 billion. These are important improvements in public services on both the current and capital side.

Mr. P. Power: Hear, hear.

Mr. Cowen: This House should not have a crazy debate that suggests this never happened. It is true more needs to be done. There are pressures on services that need to be addressed.

Ms Burton: What about the waste?

Mr. Cowen: This is the reality.

Ms Burton: This is not the case. There has been much waste.

Mr. Cowen: I will not accept the claim that there are no benefits from the policies pursued by the Government.

Ms Shortall: We did not say that. However, serious amounts of money are being wasted by it.

Mr. Cowen: There has been an addition of 500,000 units to housing stock, of which some 60,000 were State-assisted social, voluntary or affordable housing units. The massive expansion has been facilitated by major investment in water and wastewater facilities where there was a historical problem as outlined to us by the EU. Since 1997, we have achieved one of the best economic performances in the world, growing by an average of just over 8% per annum, 400,000 more jobs have been created and unemployment has fallen from 10% in 1997 to 4.2%. The scourge of emigration has ended and we now have inward migration. We have the second lowest Government debt ratio in the eurozone, at approximately 30% of GDP, compared to 65% at end 1997. Lower debt interest payments have freed up resources to help provide more public services. I listened to Deputy Quinn, whom I respect as a parliamentary colleague, but I do not accept the claim that reductions in capital taxes lead to a boom in inflation. Reducing those taxes got more transactions on the market and increased our take from capital taxes from €158 million to over €1.500 million which is going into those services people are seeking.

Ms Burton: How much is the real increase?

Mr. Cowen: We have been able to invest massively in public services, reduce debt levels while presiding over major tax reductions. The Government has achieved results and will continue to do so. It is making the necessary modifications and changes that we must all ensure, in terms of respect for taxpayers’ money, to get the maximum possible bang for our buck. I do not accept the Opposition motion. I commend it to the House.

Ms Burton: I thank the Minister for commending the Opposition motion.

Mr. Cowen: I did not commend it. I robustly withdraw my commendation of the Opposition motion.

Ms Burton: The Minister must accept graciously that he commended it. I thank him for coming to the House and saying that.

Minister for Transport (Mr. Cullen): I welcome the opportunity of this Private Members’ motion to address issues relating to the increase in the cost of the national roads programme generally and of specific projects, and to outline the good progress being made in the transformation of our national road network. I am glad to have the opportunity to demonstrate the strength of our record in upgrading the national road network and to outline measures being taken to avoid a recurrence of the underestimation in the early years of the NDP, and avoid cost overruns during the construction stage of projects.

Two aspects of the issue of costs have received coverage recently, namely the increased estimated cost of the NDP mandated upgrade programme overall, and cost overruns on individual completed projects. The increase in the cost of the overall NDP, which occurred in the early years of the programme, was well documented in a report by Fitzpatrick Associates in August 2002.

I accept and welcome the finding of the Committee of Public Accounts report that the increase in cost can be attributed to the considerable expansion in the scope and number of projects involved, a high rate of construction inflation in the early years of the programme and some cost estimation deficiencies prior to 2000.

Ms Shortall: Some cost deficiencies.

Mr. Cullen: That is the true picture. These findings are in line with the Fitzpatrick report of August 2002 on the national roads programme and with the April 2004 special report of the Comptroller and Auditor General. The latter’s report was based on detailed work by his office over a 13-month period in 2003 and 2004 and traced clearly the reasons for the increase in the estimated cost of the programme in the 1999-2002 period. In summary, this April 2004 report concluded that the reasons for the increase in the cost of the national roads upgrade programme mandated in the NDP from €7 billion in 1999 to €15.8 billion in 2002 were inflation, 40%, failure to cost certain elements, 16%, changes in scope of projects, 20%, and project-specific increases on projects with non-standard elements such as the Dublin Port tunnel, 24%. These reasons for the increase in the cost of the programme in the early years of the NDP have been known and well documented for some time.

Ms Shortall: That does not excuse them.

Ms O. Mitchell: Does it make them all right?

Mr. Cullen: Before outlining the measures taken to strengthen cost estimation and control, I will comment on recent coverage of cost overruns on individual projects based on data contained in an appendix to the recent Committee of Public Accounts report. This appendix compared the cost of some projects completed in the years 2000, 2001, and 2002 to pre-construction estimates. I understand the original scheme estimates used in the appendix date back to 1996. This comparison fails to take account of inflation between the date of the original estimate and the year of construction or of project changes in the intervening period. It is as valid as comparing the price of a new house today with the price charged in 1996.

At its simplest level, the comparison fails to take account of the remarkable economic progress enjoyed by Ireland since this Government was first elected to office. I need not remind Deputies of the increase in incomes, the growth in jobs and the higher value of investment. At a minimum, the original scheme estimate should be adjusted for inflation and, if possible, for changes to project scope. Adjusting the total figure in the appendix for inflation alone, using the Comptroller and Auditor General-derived inflation factors for the period, would, I am advised, give a total estimate of €832 million for the projects involved instead of €562 million and reduce the cost overrun from 75% to 18%.

Ms Burton: Is that construction industry inflation or ordinary inflation?

Mr. Cullen: Adjusting the original estimates to reflect changes in the scale and scope of projects as ultimately constructed would, no doubt, further reduce the gap if not eliminate it entirely. The “Prime Time” programme also compared the outturn cost of a range of projects to initial estimates. In the absence of the detailed “Prime Time” analysis it is difficult to comment in detail but it would seem that the original estimates date back as far as the early 1990s and relate to project concepts that were very different from those subsequently implemented. It would seem that an entire RTE programme was devoted to a comparison of apples and oranges.

Some of the projects used as examples in the “Prime Time” programme such as the Dublin Port tunnel and the south-eastern motorway have unique characteristics that affected the costs. The reasons for the cost increase on these projects are dealt with in the report of the Comptroller and Auditor General and relate to the technical complexity of the Dublin Port tunnel and the high cost of land on the south-eastern motorway. It is important, to be fair to those involved in the planning and design of major infrastructure projects, to acknowledge that the preparation of estimates at project concept stage is difficult and that it is only when planning is well advanced that robust estimates can be developed. I fully agree with the Minister for Finance that the only true measurement of the cost of a project is the outturn after the tender price is agreed.

Ms Shortall: There are still huge variations.

Mr. Cowen: They are not huge.

Mr. Cullen: They are minor.

Ms Shortall: The bypass cost variation the Minister spoke of was huge.

Mr. Cullen: This is by no means to be taken as suggesting or implying that deficiencies did not occur in cost estimation and control. Undoubtedly they did. In response, the NRA has strengthened its cost estimation, control and procurement procedures. This is designed to have more accurate cost estimates from the earliest stages of a project and to ensure greater certainty of outturn costs between tender stage and completion date. Improvements put in place include greater use of the more efficient and cost effective design and build lump sum fixed price contracts, appoint-
ment of a cost estimation specialist who reviews all cost estimates, benchmarking of tender and scheme outturn costs, design and construction standards established by publication of the NRA specification for roadworks and design manual for roads and bridges, and better site investigations to limit the scope for claims by contractors related to site conditions.

Ms Shortall: It is a bit late in the day.

Mr. Cullen: These measures have led to an improvement in project management and consequential tightening on cost controls.

Ms Shortall: Too late.

Mr. Cullen: We are building for at least 100 years, not for next week. The beneficial impacts of these measures are evident, for example, in the completion of most projects in recent years within budget and ahead of contract completion dates. The bypasses at Monasterevin, Ashford-Rathnew, Cashel and Ballincollig are well ahead of schedule, and on budget. The initiatives being taken by the Minister for Finance, with regard to reform of public sector construction contracts particularly in the area of fixed price tendering and new standard contracts, will further strengthen the cost estimation and control on projects.

My Department will continue to pursue the strengthening of cost estimation and control arrangements with the NRA. In doing so, the recommendation of the Committee of Public Accounts regarding further strengthening of the capacity of the NRA in the area of cost control and financial management will be fully taken into account.

It is important in this debate about cost overruns and value for money that we do not lose sight of the fact that while road projects are costing more than initially estimated in 1999, they still represent good value for money given the significant economic, transport and safety benefits to be achieved from addressing the deficiencies in our road network.

Ms Shortall: That is reassuring.

Mr. Cullen: Cost benefit analyses are carried out as projects progress through planning so that the impact of cost increases is taken into account and evaluated before binding contracts are made. It should also be noted that road construction contracts are subject to an open competitive tendering process that ensures that projects are competitively priced. In addition, a number of independent evaluations such as a report by Fitzpatrick Associates in 2002 have all acknowledged that the national roads programme is, in general, well managed.

Ms Shortall: Not if one is paying a road toll for 30 years. The Minister is only €9 billion out. Is that well managed?

Mr. Cullen: I would rather take the view of the independent assessors in all of this than listen to some of the guff coming from the other side of the House.

Ms Shortall: Only €9 billion out.

Mr. Cullen: I would like to put on record the good progress we are making in implementing the very ambitious upgrade programme provided for in the NDP and in transforming our national roads network for the benefit of everyone. Efforts to focus on cost increases that occurred in the period up to 2002 cannot detract from the irrefutable fact that route by route, the national road network is being transformed. Since 2000, nearly 50 projects with a combined length of 340 km, including more than 180 km to motorway-dual carriageway standard have been completed.

Ms Shortall: At what cost?

Mr. Cullen: Work is under way on another 24 with a combined length of 240 km including nearly another 180 km to motorway-dual carriageway standard. Another 19 with a combined length of more than 330 km including more than 280 km of motorway-dual carriageway standards are at tender stage.

I will not mention all the projects that have been delivered. The estimated cost of the national roads development programme mandated in the NDP increased in the early years of the NDP. That fact is well documented in reports dating back to 2002. However, action has been taken to strengthen cost estimation and control and, in recent years, most projects have been delivered within budget and ahead of contract completion dates.

The progress being made in implementing the upgrade programme is evident throughout the country. Anybody who talks to people, as I do when travelling through the country, will know that there is recognition of the investment programme in regional areas——

Ms Burton: Did the Minister ever visit the Dublin area and talk to people?

Mr. Cullen:——to make them economically sustainable, to create jobs and have a social capacity and quality of life that does not require that everybody look to the capital city.

That is what this Fianna Fáil-led Government is delivering and I am proud to be a member of it.

Ms Burton: The Minister should take a train or a bus and learn about Irish life.

Ms O. Mitchell: I wish to share time with Deputies Perry, Costello and Moynihan-Cronin.

Acting Chairman (Ms O'Sullivan): Is that agreed? Agreed.
Ms O. Mitchell: I support the motion. There is scarcely a Department or Minister, including the Taoiseach, who does not stand condemned for the gross and unforgivable waste of taxpayers’ money over recent years. Taking the hand off the tiller of control of public expenditure is a direct result of the Government becoming arrogant because it has been in power for too long. It is a Government that no longer feels responsible to the public for the use to which it puts its money.

The Minister, Deputy Cowen, spoke about how much money the Government has spent. We did not accuse the Government of not spending money but of wasting money. We agree that a cost overrun is the difference between the tender price and the actual cost of the project. We are not complaining about that, we are complaining about the waste of money that occurs before a tender price is even secured. In many projects the waste of money is largely due to the long lead-in time, which is often due to Government indecision.

Take as an example the saga of the northside Luas. The proposal was debated at great length and was eventually withdrawn on the basis of an offer to the Tánaiste to build a metro for €1 billion. That was seven years ago and there is still no decision on whether a metro will be built, but it will not be built for €1 billion. That was seven years ago and there is still no decision on whether a metro will be built, but it will not be built for €1 billion. The prices currently quoted are up to €5 billion and €6 billion. Money is being wasted on such indecision.

The other cause of waste is inflation. The Minister spoke about inflation as if the Government had nothing to do with it and was above such matters. This is despite the fact that the Government created inflation by its ludicrous release of many projects simultaneously, which increased the price of everything. Then there was a stall in which nothing happened before more projects were suddenly released. Of course, this will increase prices. The price of land also increases over time. A big contributor to the increase, however, was an extremely generous deal on compulsory purchase orders which was largely negotiated by the Minister of State, Deputy Parlon. It catapulted him into the Dáil, which led to his appointment as Minister of State.

Mr. Cowen: It was partly done through tax relief.

Ms O. Mitchell: New benchmarks in the cost of land have been set by the Minister for Justice, Equality and Law Reform and that will feed into the cost of CPOs. Every road will cost more as a result of the ridiculous deal he made.

Over time the nature of projects changes and, of course, they will be more expensive because standards are being changed. However, this is not an excuse for indecision and procrastination. Although long lead-in times are a large element in the cost of increases, uncontrolled expenditure and waste of money, perversely, no lead-in time is also a cost. Ministers get a rush of blood to the head and decide something must be done immediately. That puts them in a weak negotiating position. I have seen this happen many times, particularly when money is released at the end of the year by a Department. The attitude is that the money must be spent. Naturally, the supplier has the Department over a barrel and can charge what they wish. That is another cause of wastefulness in spending on public projects.

There is also the example of the M50. It is almost finished and I hope it will link with the N11 at the end of next month. Even as it is completed it is already too small and we are preparing to spend another couple of billions of euro widening it and, perhaps, constructing an alternative. The M50 project is a lesson in how not to build a road. There was a lead-in time of 20 years and it took 20 years to build. We have been discussing it for 40 years or, on average, one mile per year. There is no excuse for it.

I spent some time researching the prices and discovered the cost per kilometre of the first phase of that motorway was €6.8 million. The cost per kilometre of the last section was a staggering €60 million. There is no excuse for that. Lessons must be learned.

I wish to refer to the change to fixed price contracts which the Government is proposing as the solution to all wastefulness. I understand the reasoning behind the proposal, but it is not the solution and might even result in higher costs. This debate is about waste of money and preventing it. Under the proposed new regime, all risks will be passed to the contractor. However, the contractor will price accordingly. The risk will be included in the price of the contract.

Under the old regime, extras arising in the course of a contract were passed on to the Government Department that commissioned the project, but that only happened when such extras arose. Under the new regime, the price of every risk will be built into projects regardless of whether they arise. Ultimately, the Government might end up spending more. It must be conscious of that when moving to fixed price contracts. I accept that such contracts give certainty but they are by no means the solution. The solution is good planning.

Mr. Cullen: It results in keener tendering.

Ms O. Mitchell: The planning phase, including the tendering phase, takes an enormous amount of time. There is no excuse for it. The Government has two years left in office and I urge it to use taxpayers’ money wisely in those years.

Mr. Perry: I am delighted to speak on this important motion. The Government talks about value for money but it does not have a notion of what value for money means. This country owes a huge debt of gratitude to the Comptroller and Auditor General, Mr. Purcell. The Minister, Deputy Cowen, spoke about increased spending but the Government is taking €27 billion more
out of the economy than it did in 1997. It is easy to spend double the investment.

With regard to value for money, a scandal per week is discussed in the Committee of Public Accounts. Now, the Minister speaks about introducing due diligence. The NRA does not even employ an accountant. That became clear at the Committee of Public Accounts. The Minister is the biggest spender in the economy but he does not have a due diligence accountant at the top level of the National Roads Authority. He then speaks about value for money.

Now there are recommendations of cost benefit fixed price contracts. This was identified by Mr. Purcell two years ago but nothing happened since then. There has been over-estimating by Mr. Purcell two years ago but nothing happened. There has been overestimating due diligence. The NRA does not even employ an accountant. That became clear at the Committee of Public Accounts. The Minister is the biggest spender in the economy but he does not have a due diligence accountant at the top level of the National Roads Authority. He then speaks about value for money.

Consider the level of indirect taxation and that every home is getting €50,000. This is a cash rich economy and the taxpayer is paying the money. The Government assessment of a project is how many millions have been spent. No cost benefit or output analysis is carried out. The Minister for Finance has left the House but he seems to have forgotten that the 1994 guidelines were not applied in the Punchestown project. Money was being spent in every Department without being sanctioned by the Department of Finance. The Minister calls that management and value for money.

It is high-handed of the Ministers to speak as they did this evening. They must think people are stupid when they recite their litanies.

Mr. Cullen: Thank God, they are not. They can see the benefits throughout the country.

Ms O. Mitchell: They paid dearly for it.

Mr. Cullen: That is the reality.

Mr. Perry: This is not a victimless situation. We are discussing how taxpayers' money is spent. People are left on hospital trolleys and there are unfinished schools. When the Government spends €1 million or €1 billion, somebody is suffering.

The former Minister for Health and Children has cost the State €500 million since 2001, when he was told about the situation by senior civil servants. The only person who was sacked recently was Michael Kelly. He was the fall-guy and nobody else was sacked. Michael Kelly told the Minister in 2001 that there was an anomaly in the Health Act but the Minister did nothing. That cost the State €500 million——

Mr. Cullen: That cost has not accrued in the past three years, and the Deputy knows that as well as I do.

Mr. Perry: Since 2001——

Mr. Cullen: To suggest that amount accrued in the past few years is a nonsense. The Deputy should refer back to the coalition Government in the mid-1970s, which was the root of the problem.

Mr. Perry: The Minister has a selective memory. Since 2001, the cost has been €500 million.

Mr. Cullen: It has not been €500 million a year since 2001.

Ms Burton: Will the Minister outline the cost of his public relations adviser?

Mr. Perry: What about electronic voting? Machines worth €55 million are being stored at the Minister’s instigation. I hope he has not forgotten them.

Mr. Cullen: I did not instigate it. The Opposition blocked the use of the machines, which worked perfectly well.

Mr. Perry: I am not swallowing the Minister’s comments. He commissioned the electronic voting project that cost €55 million. Where are the machines? On the Government’s track record on managing the economy, it fails on all counts. The Government should not mention the words “value for money” because it has no notion what it is about.

Mr. Costello: I compliment Deputy Burton on tabling the motion, given that the recent “Prime Time” programme on this issue was sobering. I will limit my remarks to the performance of the Minister for Justice, Equality and Law Reform, who is one of the worst offenders in wasting taxpayer’s money. He recently spent €29.9 million on a site for a new prison in north County Dublin, which was between eight and ten times the market value, without following proper tendering or selection procedures. The new prison, which will replace Mountjoy Prison, will result in the demolition of the recently built new women’s prison, the Dóchas centre, which cost €19.3 million, and the new special school at St. Patrick’s Institution, which was completed 12 months ago at a cost of €8.3 million but was never opened. An exorbitant fee of €2.5 million has been spent on fire safety in the training unit and that will also be demolished. Over the past eight years, the Minister and his predecessor have wasted more than €45 million on capital projects in a prison that will be demolished and another €29.9 million on land for a prison that may never be built.

Over the past three years the Minister has closed five prisons at Shanganagh Castle, the Curragh, Fort Mitchel, Spike Island, Loughan House and Shelton Abbey, containing approximately 500 prison places, in his row with prison officers about overtime. He recently taunted them with the gratuitous remark, “You can’t beat City Hall”, and then refused to attend their representative association’s annual conference, exacerbating the three-year crisis. This industrial
relations dispute will continue while the Government is in office.

The wasteful approach on prisons has been compounded by a similar attitude to accommodation for asylum seekers. Broc House, Donnybrook, in the Minister’s constituency, purchased for a whopping €9.2 million to accommodate asylum seekers but which has not been used in the five years since its purchase, exemplifies the gross wastage of taxpayers’ money. Parnell West Hotel in my constituency was purchased for €3.55 million in 2001 to accommodate asylum seekers. It lies idle having been condemned as dangerous on health and safety grounds. Was a proper structural examination conducted by the OPW and, if so, why was the property purchased?

Earlier this year, the Minister purchased a large bed and breakfast establishment on Gardiner Street, Dublin, for €2 million. Suspiciously, the accommodation changed hands shortly before the contract for asylum seeker accommodation was granted. He recently purchased the Jesuit centre at Hatch Hall, Lower Hatch Street, Dublin, for a massive €15 million for asylum seekers. Why was this purchased, given all the accommodation lying idle, which has been surplus to requirements for years?

This is all a dreadful waste of taxpayers’ money. Money has been spent on a brand new prison that is about to be demolished, an outrageous amount was spent on land for a prison that may never be built, five prisons closed for no good reason, property purchased for accommodation of asylum seekers was never used or was too decrepit and unfit to use and money was spent on more property for them this year even though the number of those seeking asylum has reduced by 75% over the past three years. After only two years in government, the Minister had spent €29.3 million on consultancy services but the most extravagant of his deals has been the sale of the Department’s offices on St. Stephen’s Green for €52 million and the transfer of the Department to rented accommodation down the street. The Progressive Democrats and Fianna Fáil are playing fast and loose with taxpayers’ money. The description of this range of activities by one Minister over three years is nothing short of criminal.

Ms B. Moynihan-Cronin: I commend the motion to the House. It is easy to throw statistics around but one of the most frequently used figures to highlight the squandering of the Government’s resources is the €55 million spent on electronic voting machines for last summer’s elections. It was the most blatant waste of taxpayers’ money ever. A sum of €50 million may not be significant in the context of the annual Government spend but it is significant in the context of the facilities and services it could provide.

I refer to the roll-out of the BreastCheck screening programme. It is available on the east coast but an apartheid system applies to health services for women, with the BreastCheck service provided in the east and none in the south or west. This essential service is denied to women in my county, Kerry, and throughout the rest of the south and west. Women are dying in the south and west from breast cancer because of the Government’s failure to extend the free breast screening programme. Screening saves lives. The amount needed to run the programme in the south and west is precisely the amount the Government squandered on electronic voting. A sum of €50 million would build BreastCheck clinics in Cork and Galway and allow the service to become operational with enough resources and personnel for a full year. However, the Government chose voting machines instead of saving women’s lives.

Government Members will inform the House tomorrow night that the Minister for Health and Children recently announced capital funding for BreastCheck in Connacht and Munster. However, excuse me if I am a little cynical about that because this is the fifth time the same funding has been announced in the past three years. Meanwhile, not a single block has been laid in Cork or Galway for the roll-out of BreastCheck, while the electronic voting machines have been stored to gather dust at further significant expense to the taxpayer. When the Minister of State at the Department of Finance contributes to the debate tomorrow, will he outline the up-to-date cost of the storage of the machines and what plans the Government has for them? We want X-ray machines, not voting machines.

Deputies: Hear, hear.

Ms B. Moynihan-Cronin: I have met hundreds of women over the past few months regarding the lack of breast screening in Munster and there is a sense of outrage among them as they have seen their hard-earned taxes squandered on pet projects such as the Punchestown centre and electronic voting. The Government makes political decisions on how public money is spent and its political judgment to date has not favoured the ordinary citizen, particularly in the provision of health services. The Minister for Finance was asked earlier on the Order of Business by my party leader, Deputy Rabbitte, when money would be provided for the roll-out of BreastCheck and when the programme will be up and running. The former Minister for Health and Children said in 2000 that BreastCheck would be available nationwide in 2002 while the current Minister said it would be available by 2007, but the people who will operate the programme say it could be at least 2008 before it is in place. The Government should re-examine the way it spends money and try to save women’s lives.

Debate adjourned.
Message from Select Committee.

Acting Chairman: The Select Committee on Education and Science has completed its consideration of the Commission to Inquire into Child Abuse (Amendment) Bill 2005 and has made amendments thereto.

Adjournment Debate.

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Playground Funding.

Cecilia Keaveney: It was officially announced this week that we have a serious problem with obesity. I wish to raise a matter which could be a core tenet of any solution to this problem. In the past eight years, this Government has delivered sporting facilities all over the country and nobody can deny the huge advances that have been made in almost every parish. However, we are competing with a very sedentary lifestyle and the primacy of television, video, DVD, computer, Game Boy and so on. Toddlers know how to insert a video into a player and how to turn on the television with a remote control device. Children observe the behaviour of others and turning on the television or video recorder becomes normal for them. Indeed, we are often amused when very young children can perform such tasks.

We must understand that babies are aware of all that is going on around them. They understand words before they can speak, they attempt to walk before they have developed the physical capacity to do so. They also develop concepts of what is right and acceptable or what is wrong and unacceptable. By the time children reach five years of age, most of their character is formed by what they have observed around them since birth. If one observes young girls, practically from the moment they can walk, they try to put on their mothers' make-up and walk in her high heeled shoes. This underscores the fact that what happens in their environment as an infant will impinge on their attitudes to certain activities. It is almost too late, at five years of age, to introduce children to arts or physical activity like sport if they have not encountered this in those they have been observing up to that point.

I wish to see interdepartmental interaction between the Department of Health and Children, the Department of Arts, Sports and Tourism, the Department of Community, Rural and Gaeltacht Affairs and the Department of the Environment, Heritage and Local Government that will ensure that there are play areas for our young people from the earliest age, not just for teenagers. I am aware that plans are afoot to develop skateboard parks for the teenage cohort.

We do not need to look to other countries for examples of best practice — they exist here. We had a brief scheme that delivered to some children and I congratulate the Minister for that. However, the reality in County Donegal is that there are over 30 communities that wish to be served by a playground facility. The local authority is willing to drive the issue at ground level, but there is a lack of funding.

We must accept the fact that children must get involved in physical activity from the earliest possible age. Parents must be encouraged to play with their children, as was the situation with the 'sugradh le chéile' idea that was once promoted. The facilities must be provided to enable this to happen. Wherever one sees age-graded playgrounds, one sees activity, fun and enjoyment. We should aspire to provide facilities that would allow five to ten year olds to bring along bicycles and cycle around roundabouts, learn signalling to stop and go and so forth. Such facilities are available in many parts of the UK and in Spain. However, age-graded playgrounds are ideal for children under five.

Currently, the provision of playgrounds for young people seems to be falling between Departments and is thus not getting the priority it deserves. I ask the Minister to examine the issue, to ensure that initial cross-departmental action begins, to make an individual responsible for the provision of play facilities and to talk to the local authorities, which are very enthusiastic about this area.

Play facilities are one of the solutions to the obesity problem and much money will be spent on solving that particular problem. However, it does not require much money to put a basic play infrastructure in place that will encourage parents and extended families to play with children.

If young people see physical activity as a normal part of the life of those around them, their sense of play will expand into an acceptance of sports at a later age. This will offer a counter balance to the time that will be spent at a school desk or in front of a screen. We must ensure that the aspiration to achieve points in exams is not the main pursuit of young people. We must aim for balance in life. This is a goal worth pursuing and the funding involved would be money well spent in problem prevention. Providing children with musical stools to play on should be our objective and I do not want to see the issue of play facilities fall between departmental stools any longer.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputy Keaveney for raising this matter, which is very close to my heart. The funding of playground facilities does not fall between departmental stools, but falls very firmly on the stool of the Minister for the Environment, Heritage and Local Government, Deputy Roche. The fact that Deputy Keaveney raised this matter allows me to outline to this House details of what has been done in this area, which is not inconsiderable, although I agree with the Deputy that more can be done.

I launched Ready, Steady, Play: A National Play Policy in March of last year, a policy for the under 12s which was the first of its kind in
of the total sum of small amount of money in this area can go a long awareness. As Deputy Keaveney pointed out, a higher level of demand and increase the level of the original pilot schemes was to create a ties are seeking to establish more play facilities. However, considerable sums were made available in RAPID areas and pilot projects were sanctioned in each county and the rolling out of this programme has increased the level of demand. Many other authorities and communities are seeking to establish more play facilities. One of the reasons I insisted on a rapid roll out of the original pilot schemes was to create a higher level of demand and increase the level of awareness. As Deputy Keaveney pointed out, a small amount of money in this area can go a long way. Of the total sum of €7.9 million, €7.3 million was spent directly on providing playgrounds in 2004.

In recognition of the fact that Ireland has a very poor playground infrastructure and following consultation with my colleagues, the Minister for the Environment, Heritage and Local Government, I am delighted to say I have had considerable success in this regard and a total of €7.9 million funding was provided in 2004 through various schemes since the launch of the policy to increase the level of access to play facilities. However, considerable sums were made available in RAPID areas and pilot projects were tendered in each county and the rolling out of this programme has increased the level of demand. Many other authorities and communities are seeking to establish more play facilities. One of the reasons I insisted on a rapid roll out of the original pilot schemes was to create a higher level of demand and increase the level of awareness. As Deputy Keaveney pointed out, a small amount of money in this area can go a long way. Of the total sum of €7.9 million, €7.3 million was spent directly on providing playgrounds in 2004.

In recognition of the fact that Ireland has a very poor playground infrastructure and following consultation with my colleagues, the Minister for the Environment, Heritage and Local Government and the Minister for Community, Rural and Gaeltacht Affairs, two playground grants schemes were established as a direct result of publication of the policy, namely the local authority playground grants scheme and the RAPID playground grants scheme. These schemes have resulted in an additional 77 playgrounds being funded in 2004. Some of those playgrounds are under construction.

I will not go into too much detail on these schemes. In outline, the local authority playground grants scheme involved the Department of the Environment, Heritage and Local Government providing up to 50% funding for the development of new, or the renovation of existing, playgrounds in 2004. Approximately €2 million was allocated by the Department to county and city councils under the scheme. Under the RAPID scheme €3 million was jointly made available by the Department of Community, Rural and Gaeltacht Affairs and the Department of Health and Children. That will result in 45 playgrounds being built in RAPID areas. Both the schemes provided capital funding for playgrounds and it was a condition of the schemes that the local authority meet ongoing maintenance costs, including insurance.

I am happy to say that both of these schemes are continuing in 2005 and the local authorities will be receiving letters about them in the coming weeks. The 77 playgrounds funded by these schemes are now beginning to open to the public throughout the country and will represent a significant increase in our playground infrastructure. The Department of the Environment, Heritage and Local Government is administering the local authority playground grants scheme in 2005 and I will raise the issue of funding for this year with the Minister.

I would like to add that the Minister has also committed funding to the provision of facilities for older children in 2005 under the skateboarding scheme. His officials will be liaising with my officials in the National Children’s Office in relation to this proposal and also in the context of developing recreation policies for those aged between 12 and 18.

**Tax Code.**

**Dr. Cowley: I do not condone the dodging of tax. Everyone should pay his or her fair share of tax. However, there is currently an anomaly where older people in their mid-70s and mid-80s are being treated unfairly in a trawl by the Revenue Commissioners where their aggregate investment in insurance company schemes exceeds €20,000. Is the Minister aware that in many cases the original or initial investment was very small, for example, £2,000 and that this fund has grown due to reinvestment in other insurance companies by the investment manager? Investments grew rapidly in the early years, achieving 30% growth per annum. The accumulation of money from that reinvestment by investment managers has driven many thousands of older people into the tax net now, whereas they would not be liable based on the original amount invested. In many cases the original amount cannot be traced due to the fact that many of those original insurance companies have gone out of business, for example, Norwich Union, Abbey Life, Royal Life, CGNU etc.

While I agree that everyone should pay his or her fair share of tax, is it not unfair to go back 25 years considering the small amount of the original investment in many cases, particularly as no tax may be owed at all in some of these situations? The Minister may say they need not worry, but older people worry and do not eat or sleep. This issue is causing terrible worry and consternation among older people with such insurance policies and who must make a declaration to the Revenue Commissioners by 23 May 2005.

A quarter of a century ago people put a few bob aside for the rainy day. Now they are expected to be able to account for all of the original investment. This seems unfair treatment for older people in their mid 70s and 80s, considering that the Government is using the Statute of Limitations to its liability to nursing home payments to older people to six years. However, it has no trouble going back 25 years to get older people into its net in this situation.

These investment type products were launched in the mid-1970s. The biggest supplier and market leader was Irish Life Assurance Company, which
was State owned. Pre 2001, the glossy brochure inducing people to join stated: “Tax — All returns from [this product] are taxed — currently at 24%. We pay this tax for you so then when you cash in your [product], you have no further tax to pay.” Post 2001, due to the change to exit tax by former Minister for Finance, Deputy McCreevy, the brochures stated:

Exit tax is calculated as standard rate of tax applicable at the time of encashment plus 3%. Hibernian Life & Pensions Limited deducts this tax and pays it to the Revenue on your behalf.

Many older people in the west are affected by this measure. The Government is doing well from it. It got tax on the gains over the years and the money was used to build property on the east coast. The Government has already got its pound of flesh. I am not in favour of letting off the hook anybody who has invested large amounts of money in order to avoid tax. However, thousands of people are affected by this Revenue trawl, mainly the small investors who made provision for the rainy day. They are being treated unfairly, like big tax dodgers. They face the same penalties and are liable for possible prosecution and naming and shaming. Many of them were on small farmers dole payments and were not liable for tax. When they got a few bob on the headage, it was put aside for the rainy day or children’s education. They paid their tax on the gains.

The people in the Revenue Commission do not seem to know or care that there is inherent unfairness in this measure. People who do not have money to pay fines are worried sick and quite desperate. Perhaps there are cases where tax should have been paid, but the person was not in the tax net at the time. Now, 25 years later, the Government is looking for this money. Whose fault is it these people were not in the tax net. The difficulty with trying to get these people to pay tax 25 years later is that those involved are now in their 70s and 80s. They are scared out of their lives and afraid to talk to anyone. Some may have phoned the Revenue Commission line, but many are afraid to do so. However, by the end of the week they will have to make a declaration to the Revenue Commission as to whether they have paid tax on this insurance investment. Many are unsure about that. Even if they were sure they had paid, many of the companies have gone out of business. If they do not make a declaration to the Revenue Commission, they will be liable for even greater penalties, naming and shaming and possible prosecution as well as persecution.

Will the Minister intervene with the Revenue Commission on this issue? Why should the trawl go back 25 years? Why should the lower limit of the threshold be €20,000? Something must be done. Entire life savings are being wiped out. Can the Minister help?

Minister of State at the Department of Finance (Mr. Parlon): I am pleased to have the opportunity to address the Dáil on this matter.

I assure the House that the fact that some people have invested in life assurance investment products and have legitimately profited from such investment does not lead the Revenue Commissioners to assume they are engaged in tax evasion. The focus of the Revenue investigation is on the source of the money invested in insurance products and whether it was money that should have been, but was not, disclosed to the Revenue Commissioners. Ordinary taxpayers who invested money from sources such as redundancy payments, accident compensation funds, retirement lump sums or savings from moneys that were subjected to tax have no further obligations and need have no concerns about this investigation.

I am, however, informed by the Revenue Commissioners that following on from information gleaned from previous large scale investigation projects and other research, it was clear that some individuals had used life assurance investment products to hide taxable income, gains or acquisitions. The number of investors combined with the volume of funds invested suggested that the matter was best dealt with on a similar basis to that used for previous large scale projects such as the bogus non-resident account and the offshore account investigations. This involves a voluntary phase with time deadlines, during which individuals can come forward voluntarily and disclose outstanding liabilities, and a follow up investigation phase to identify those who do not come forward voluntarily. Those who come forward voluntarily will benefit from reduced penalties, their names will not be published in the quarterly defaulters lists and they will not be considered for prosecution, or even persecution. As with the previous investigations, this one is aimed at those who have not fully disclosed their income, gains or acquisitions in the past and who owe tax to the Exchequer. Those who have previously declared their incomes and paid their taxes are compliant taxpayers and are not required to do anything in connection with the investigation.

The Revenue Commission contacted all the relevant insurance companies and requested that they write to their investors where the investment was in aggregate greater than €20,000. It is understood that as a result many individuals have received letters from their insurance companies in recent weeks outlining the background to the Revenue investigation. The issuing of mail shots by insurance companies to investors is to be commended.

I welcome the opportunity to clarify a number of issues relating to the current investigation. First, the investigation applies only to those who invested in insurance products using money that should have been but was not disclosed to the Revenue Commissioners — money colloquially known as “hot money”. Accordingly, most people do not have a tax problem since they would have funded their investment with redundancy pay-
ments, accident compensation, lump sums received from a pension fund on retirement, personal savings from moneys that were subjected to tax etc. These people are not affected by this investigation.

Second, I refer to a matter specifically mentioned in the matter raised by the Deputy, namely the growth in funds invested in the life assurance companies. While the moneys were with the insurance companies the funds in which they were invested were taxed and therefore the individual investor has no further liability to pay on those profits. The Revenue Commission is satisfied that the life assurance companies have correctly accounted for all tax due on the growth of the investment and accordingly it is only interested in any undisclosed funds invested.

Third, this investigation does not apply to anybody who fully rectified their tax affairs previously, for example under the 1993 amnesty or the recent Revenue investigations. In the current phase of this investigation the Revenue Commission is concentrating on cases where the individual investment or the aggregate investments exceeded €20,000. Based on experience this is where it perceives the greatest risk to be and setting such a threshold enables it to manage this project effectively. Therefore, the deadlines set for making a qualifying disclosure, namely 23 May and 22 July, will not apply to investors whose investments in aggregate are €20,000 or below.

It is not the Revenue Commission’s intention currently to initiate an investigation into cases below the €20,000 threshold. However, should new data emerge from the current phase which makes it necessary for it to rethink this approach, there would be a further opportunity for such cases to avail of the qualifying disclosure scheme outlined in the code of practice for revenue auditors and disclosure dates would be announced as appropriate.

Authorised Revenue officers will shortly carry out a sampling process in the insurance companies as provided for in this year’s Finance Act. Preparatory work has already taken place and I am advised that full co-operation in this process is being received from all the insurance companies. Takeovers, mergers etc. are not posing any particular difficulty and records are generally available for the period covered by the investigation — 1980 and subsequent years. At a later stage the Revenue Commission will ask the High Court to make orders under which the insurance companies will be required to furnish particulars relating to investments and investors.

Any person in doubt as to whether the current scheme applies to them should consult their tax adviser or the Revenue help line at 01-6474818. Notice of intention to make a disclosure must be sent to The Revenue Commissioners, 1 Clanwilliam Court, Mount Street, Dublin by 23 May. As always, any person whose tax affairs are not correct should take steps to rectify them at the earliest opportunity.

Industrial Relations.

Mr. Sherlock: Management at the Dairygold plant in Mitchelstown is seeking to implement a draconian regime in an attempt to cap direct labour costs at €3.8 million per annum. Such a regime would undermine Irish jobs and result in an influx of cheaper eastern European labour. Management is threatening to close down Dairygold’s meats division if workers do not agree to a rate of pay of €9 per hour, or gross pay of €351 per week, for all sections of the plant. Such a rate of pay would mean a loss of up to €150 per week for some of the plant’s workforce of approximately 150 people.

I raise this matter because I feel that Dairygold is trying to introduce sweatshop tactics. It is embarking on a systematic campaign to force Irish workers who earn the average industrial wage out of jobs, thereby making way for migrant workers who will be paid at a rate marginally above the minimum wage. We are witnessing the systematic dissolution of the social partners’ hard-fought gains, to be replaced by “yellow pack” jobs. The Government must intervene to protect Irish jobs against an influx of cheaper labour from eastern Europe. It is an insult to the people of this country and the workforce of Dairygold in Mitchelstown, who have always been loyal to the company, to expect Irish workers to survive on €351 per week.

I have mentioned that management at the Mitchelstown plant is trying to cap its labour costs at €3.8 million per annum. Such a draconian regime would undermine Irish jobs and lead to an influx of cheaper labour from eastern Europe. The company is threatening to shut its meats division if workers do not agree to a rate of pay of €9 per hour, but that rate has been rejected by 95% of the workforce. If agreement is not reached with SIPTU, the company may try to sell Galtee Meats. It has been suggested that the managing director of the company, who used to work for Kerrygold, is preparing for a possible take-over of Dairygold by Kerrygold.

The Minister for Enterprise, Trade and Employment should intervene under the Companies Acts to investigate the Dairygold operation at Mitchelstown before it is too late. I remind him that 1,200 jobs at Dairygold have already been lost in the Mitchelstown area.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I thank Deputy Sherlock for raising this matter on Adjournment. I understand his concerns about the proposed cost-saving proposals at Galtee Meats, which is the pig division of Dairygold Co-operative Society Limited.

The operations of Galtee Meats in Mitchelstown, Roscrea and Tallaght employed approximately 500 people until the end of September 2004. On 10 August 2004, the Dairygold Group
announced that it intended to terminate its slaughtering operation at Mitchelstown and to close its facility at Roscrea, and that has since happened. The activities at Roscrea were transferred to the vacated space at Mitchelstown, where the company operates a substantial added value and small goods operation. The company continues to operate the facility in Tallaght. Such actions were taken by the company on foot of a comprehensive review of its pigmeat divisional cost competitiveness and its performance as a profit centre, based on an independent Danish meat research benchmarking study. Galtee Meats intends to focus on growing the added value branded category, which has been profitable.

I understand that Galtee Meats is seeking to adjust its wage costs. It has introduced improved practices as part of its attempt to achieve improved profitability in its operation. Such measures are being introduced so that the company can plan its growth prospects on a competitive basis. Galtee Meats recently informed workers at its pigmeat processing plant in Mitchelstown of its planned cost-saving proposals, which are aimed at achieving international competitiveness. I understand that the proposals involve an increase in the hourly rate of pay from €8.25 to €9 and changes to the existing bonus and overtime systems. The trade union has calculated that such changes would result in significant reductions in the workers’ net incomes. The proposals also involve changes to the working week, increased productivity and the buy-out of certain work practices. The members of the union voted last Thursday not to accept the proposals.

This country’s system of industrial relations is essentially voluntary in nature. If the parties have failed to find a solution to the issues in dispute, the State can make available the Labour Relations Commission and the Labour Court to act to settle disputes. The experience and expertise of the commission and the court are available free of charge. Management and unions at Dairygold availed of the services of the State’s dispute settling machinery during the rationalisation of other divisions within Dairygold last year. However, neither the trade union nor the company has referred this matter to the Labour Relations Commission to date. Therefore, the matter is still at the local discussion stage. Ultimate responsibility for the resolution of the issues in dispute rests with the parties in question. The Deputy is aware that I have no function in individual disputes.

Collective agreements are the primary method of determining conditions of employment, in keeping with this country’s voluntarist industrial relations tradition. The role of statute law has traditionally been limited to setting minimum levels of protection or entitlement. Ireland has been to the fore in ensuring that reasonable conditions of employment exist. The approach of consensus, which involves employers, employees and the Government, has been supported by a well-balanced suite of employment rights legislation and a range of measures designed to stimulate employment. That approach constitutes an appropriate framework for the purpose of achieving an efficient and competitive business environment. The primary objective of employment rights legislation is to protect the safety and health of workers and to foster labour market harmony by promoting policies which minimise conflict and maximise fairness.

Food processing is an internationalised industry. One of its features is its easy mobility, which depends on factors such as its cost base, labour supply and proximity to cheap raw materials or the intended marketplace. The maintenance of competitiveness in our economy, specifically in the pig production industry in which margins are tight, will continue to be a serious challenge for the Irish food processing industry. The meat processing industry, which is an important part of our agrifood economy, is engaged in the processing of meat, most of which is Irish. The resultant products make a valuable contribution to export earnings and are sold on the home market. The maintenance of employment levels and wealth creation is particularly vital for the local economies in which processing operations are located. I would be concerned if the level of food processing activity were to decrease.

I thank the Deputy for raising this matter on the Adjournment. The State’s industrial relations machinery remains available to the parties, as I have said, and I urge the parties to avail of such facilities if they require third-party assistance.

School Accommodation.

Mr. Ring: It does not give me great pleasure to raise this issue in the House again. I refer to the problems faced by Gaelscoil na Cruaiche in Westport, County Mayo, which has more than 200 pupils. The school’s principal, seven mainstream teachers, full-time resource teacher and shared learning support teacher have to work in appalling facilities. The lease on the school’s current accommodation will expire later this year.

Some former Ministers, including the former Minister for Education and Science, Deputy Woods, made promises when they visited Westport during the election campaigns of 1997 and 2002. I recall that Deputy Woods said on local radio in 2002 that the school would be able to leave its current premises at that time. Everybody in the county, including Fianna Fáil’s election candidates, was convinced that an announcement would be made the following week that a new building would be built on a new site. The only problem was that the money was not made available for the acquisition of a new site. I am reminded of the Abba song, Money, Money, Money.

The teachers and pupils of Gaelscoil na Cruaiche have to work in atrocious conditions. I am tired of being told by Ministers that negotiations with the Office of Public Works about the acquisition of sites in Westport are ongoing. As a former auctioneer, I know that it is not impos-
Mr. Killeen: I thank Deputy Ring for giving me the opportunity to outline the proposals of the Department of Education and Science in regard to the provision of a new facility for Gaelscoil na Cruaiche in Westport, County Mayo. Since the beginning of the year the Minister for Education and Science has made a number of announce-
ments relating to the schools building and modernisation programme. This year alone, €270 million will be allocated to primary schools and €223 million to post-primary schools for building works. This represents an increase of 14% on the 2004 allocation.

The programmes supported will include 141 major building projects already on site and more due to go on site in the near future; 122 major school building projects countrywide, which will go to tender and construction during 2005 or early 2006; 192 primary schools which have been invited to take part in the small and rural schools initiative and the devolved scheme for providing additional accommodation; up to 120 schools which have been given approval to rent temporary premises pending delivery of a permanent solution to their long-term accommodation needs; 43 schools which have been authorised to start architectural planning of their major projects; 590 schools which were recently given approval to complete essential small scale projects under the summer works scheme; and 124 schools to progress through architectural planning.

The new schools building and modernisation programme 2005-09 will be underpinned not just by a significant increase in overall funding but also by major improvements in the administration of the funding. Devolving more funding to local level through the summer works scheme and the small and rural schools initiative will allow schools to move ahead more quickly with smaller projects.

Gaelscoil na Cruaiche opened in September 1996 with provisional recognition and was granted permanent recognition in 2000. The school is currently accommodated in prefabricated classrooms on a 0.75 acre site in the town. The cost of site and classroom rental is granted-aided by the Department of Education and Science at the rate of 95%.

The property management section of the Office of Public Works, which purchases sites for new schools on behalf of the Department of Education and Science, was requested to explore the possibility of acquiring a site for the school in question. Following the most recent advertisement placed by the OPW seeking proposals of possible sites, a number of responses were received. Seven sites have been visited and their technical suitability as a location for the Gaelscoil is being considered at present. Due to commercial sensitivities the Deputy will appreciate the Department is unable to comment further on specific site acquisitions, including a site for Gaelscoil na Cruaiche. I thank the Deputy for raising the matter in the House.

Mr. Ring: We need to know the location of the site and the availability of the funding.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 18 May 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 11, inclusive, answered orally.

Tribunals of Inquiry.

12. Mr. Stagg asked the Minister for Justice, Equality and Law Reform if he will honour a commitment to meet persons (details supplied) on 6 May 2005; and if he will make a statement on the matter. [16161/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I agreed to meet two members of this family and their legal representatives together with two public representatives to discuss the legal representation of the family at the Morris tribunal. The meeting was arranged for the afternoon of 6 May. However, that morning I learned that the family would not be accompanied by its legal representatives and also that it proposed to have two other persons present at the meeting.

I was informed that the family in question instructed its lawyers not to attend the meeting unless I was prepared to agree to pay the costs of the family’s legal representation at the tribunal. I have made my position on this matter clear on a number of occasions. I saw no point in having a meeting without its lawyers present.

I remain prepared to meet the two members of the family on the basis that we agreed, that is, accompanied by their lawyers and two public representatives.

National Emergency Plan.

13. Mr. Gormley asked the Minister for Justice, Equality and Law Reform if he will report on the exercises in March 2005 to test the effectiveness of the national emergency plan; the success of the exercises; and if he will make a statement on the matter. [12391/05]

297. Mr. Timmins asked the Minister for Justice, Equality and Law Reform if he will report on recent exercises undertaken to assess the effectiveness of the national emergency plan; and if he will make a statement on the matter. [12330/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 13 and 297 together.

I am informed by the Garda authorities that a major emergency exercise, involving the south and south-eastern Garda regions, occurred on 22 March 2005 in Youghal on the inter-county boundary of Cork and Waterford. The exercise involved a simulated collision between a large passenger bus and a heavy goods vehicle with a hazardous load.

The Garda Síochána acted as the lead agency in the exercise, with support roles provided by the Army, naval sub-aqua divers, the Civil Defence, the Red Cross and the coast guard service, in addition to the three principal emergency services of counties Cork and Waterford.

The purpose of the exercise included: assessing the co-ordination of the emergency services, including the principal supporting agencies, in an emergency situation; assessing the impact of such an emergency; and evaluating the ability of each agency to provide the required service in the event of such an emergency. I am pleased to report that the exercise met its objectives and proved effective in demonstrating the preparedness of the various agencies to respond to a major emergency.

This major Garda-led exercise also received coverage in the national news media and, as well as serving to test the preparedness of the emergency services, served to promote public awareness of the response of these services to such emergency situations. Similar exercises are planned for the remaining Garda regions in the coming weeks.

Detailed arrangements are in place to ensure that all relevant agencies have appropriate plans in the event of a major emergency. Co-ordination between these agencies, and their associated plans, is guaranteed through the inter-agency protocols set out in the long established Framework for Co-ordinated Response to Major Emergencies. This framework document is currently the subject of extensive interdepartmental review, led by the Department of the Environment, Heritage and Local Government, to ensure its continued currency and appropriateness.

I commend the Garda authorities for their proactive approach to the testing of their emergency plans and co-ordination issues thereon. I am confident that the exercise proved to be an invaluable learning experience for the agencies and personnel involved.

Deportation Orders.

14. Mr. Wall asked the Minister for Justice, Equality and Law Reform the number of occasions since June 2002 on which aircraft have been chartered to facilitate the deportation of persons; the cost involved in such charters; the number of persons deported in this way and the number who were children; the overall costs involved, including Garda man hours; and if he will make a statement on the matter. [16125/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Charter flights are not the only means by which persons who are illegally resident here are removed from the State. For example, in 2004, a total of 599 persons were deported from the State, of whom 277 were removed on chartered aircraft and the remaining 322 on scheduled commercial aircraft. A further 65 persons who
[Mr. McDowell.] had first claimed asylum in another EU State were removed to that State under the Dublin II regulations by means of scheduled commercial aircraft. Furthermore, in 2004, a total of 611 persons opted for assisted voluntary repatriation and these were effected on scheduled commercial aircraft. Of these 611 persons, 218 were directly assisted by my Department while the remaining 393 were assisted through the International Organisation for Migration, IOM, by means of specific schemes negotiated and funded by my Department.

In regard to the specific question raised by the Deputy, I refer to the reply I gave to Questions Nos. 127, 131 and 711 on Tuesday, 12 April 2005. From January 2002 to date, 13 charter flights have been engaged for the purpose of deportation of persons illegally residing in the State. A total of 376 persons were deported in this way at a total cost of €1,628,201. Details of these charter flights, that is, dates, destinations, numbers deported — broken down into adults and minors, in so far as this information is available — and individual costs, are as shown in the following table.

The costs outlined do not include Garda expenses associated with these removal operations. I am advised by the Garda Commissioner that, given the wide range of immigration duties performed by the Garda Síochána and the Garda National Immigration Bureau in particular, it is not possible to identify the particular pay and overtime costs incurred by the gardaí in regard to these charter flights. However, the Commissioner informs me that charter flights involve a lower ratio of Garda escorts to deportees than is the case using conventional schedule flights, resulting in savings to the Garda budget.

The number of escorting gardaí on each flight varies as it is dependent on a prior risk assessment of each removal operation carried out by the Garda National Immigration Bureau and on the policy of the particular airline. Given the large number of removal operations, it would involve a disproportionate use of Garda time and resources to provide details of the exact escort numbers used in each case. However it is usual for two escorts to accompany a single deportee with a lower ratio used where more than one person is being removed to the same destination and on board charter flights.

There are two main categories of repatriation charter flights. Smaller charters that are organised to remove disruptive deportees that commercial airlines will not take on account of previous disruptive behaviour on board aircraft and bigger charters organised to return larger numbers of deportees in a more efficient way than using scheduled flights. It should be stated that Ireland does not have direct flights to the destinations where these charters have taken place. The alternative to chartering is transiting through hub European airports involving longer transfer times, more inconvenience to deportees and the attendant risk of deportees absconding in transit.

Charter flights, including joint charters shared by two or more countries, are used widely across the European Union as an effective and efficient means of returning persons, following individual consideration of their cases, who illegally present on the territories of member states. The European Council of Ministers adopted a decision in April 2004 facilitating the greater use of joint repatriation flights as a means of demonstrating solidarity among member states, increasing the rate of returns and making more effective use of resources.

Ireland has carried out two such joint operations, one with the Netherlands to Romania and Bulgaria on 28 November 2003 and one with the UK to Romania and Moldova on 18 November 2003, details of which are provided in the following table.

It is well established that an effective deportation process is a necessary element of an immigration system. The lack of an effective means to deport persons not granted permission to remain in the State would call into question the integrity of the entire immigration and asylum laws. Failure to enforce deportation orders in the case of disruptive behaviour would produce two main outcomes. First, it would send a clear signal that deportation can be avoided by simply being disruptive. Second, disruptive behaviour by deportees on scheduled flights would become the norm leading to concerns for the safety of passengers and staff on aircraft and cause further difficulties for the gardaí in the already problematic task of enforcing deportation orders.

<table>
<thead>
<tr>
<th>Date</th>
<th>Destination</th>
<th>Adults</th>
<th>Minors</th>
<th>Total</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 January 2002</td>
<td>Algeria</td>
<td>2</td>
<td>Nil</td>
<td>2</td>
<td>29,833</td>
</tr>
<tr>
<td>28 March 2002</td>
<td>Nigeria</td>
<td>6</td>
<td>Nil</td>
<td>6</td>
<td>241,250</td>
</tr>
<tr>
<td>14 November 2002</td>
<td>Nigeria</td>
<td>N/A</td>
<td>N/A</td>
<td>12*</td>
<td>191,730</td>
</tr>
<tr>
<td>18 November 2003</td>
<td>Romania and Moldova</td>
<td>N/A</td>
<td>N/A</td>
<td>24*</td>
<td>92,490</td>
</tr>
<tr>
<td>28 November 2003</td>
<td>Romania and Bulgaria</td>
<td>N/A</td>
<td>N/A</td>
<td>20*</td>
<td>31,989</td>
</tr>
<tr>
<td>12 February 2004</td>
<td>Romania</td>
<td>N/A</td>
<td>N/A</td>
<td>62*</td>
<td>93,609</td>
</tr>
<tr>
<td>20 February 2004</td>
<td>Gambia</td>
<td>1</td>
<td>Nil</td>
<td>1</td>
<td>50,200</td>
</tr>
<tr>
<td>31 March 2004</td>
<td>Romania</td>
<td>49</td>
<td>4</td>
<td>53</td>
<td>71,590</td>
</tr>
</tbody>
</table>
specially trained members of the Garda Síochána of Garda juvenile liaison officers, who are cases, juveniles are placed under the supervision juveniles and their families. In the more serious from crime by offering guidance and support to highly successful in diverting young people away justice aspect. The programme has proven to be diversion programme which includes a restorative May 2002, gave a statutory basis to the juvenile administration in the office is carried out by these superintendent, two inspectors and two sergeants. The National Juvenile Office has a staff of one super- nel, that as of the 13 May 2005 there were 86 juvenile liaison officer, JLO, gardaı´ and eight, JLO sergeants working in the various divisions throughout the country. In addition to this the National Juvenile Office has a staff of one superintendant, two inspectors and two sergeants. The administration in the office is carried out by these two sergeants and four civilian staff. The Children Act 2001, which came into law in May 2002, gave a statutory basis to the juvenile diversion programme which includes a restorative justice aspect. The programme has proven to be highly successful in diverting young people away from crime by offering guidance and support to juveniles and their families. In the more serious cases, juveniles are placed under the supervision of Garda juvenile liaison officers, who are specially trained members of the Garda Síochána responsible for administering the programme at the local level. I am informed by the Garda authorities that in the year 2003, the Garda National Juvenile Office received 19,915 referrals under the programme relating to 17,043 individual offenders. The number of juvenile referrals processed by the National Juvenile Office in 2004 was 20,607. Detailed information will be included in the Garda Síochána annual report for 2004. Early assessments indicated a very high level of satisfaction from those involved in the process. Ongoing evaluation of restorative justice practice is being carried out by the Garda research unit. All Garda juvenile liaison officers have received training in restorative justice and over half have received training in mediation skills. It is expected that the ongoing development of restorative justice within the juvenile diversion programme will lead to a significant reduction in the incidence of recidivism.

In addition to the Garda juvenile diversion programme, there are in existence a total of 64 Garda youth diversion projects. Funding of €5.471 million has been allocated to these and other related projects in the current year. The Garda authorities and I remain strongly committed to the principle and practice of diversion in the criminal justice system, a commitment warranted by consistent findings of national and international criminological research. Although the Garda juvenile diversion programme and the Garda youth diversion projects are not appropriate for all juveniles or in all situations, they nevertheless provide an important intervention in the lives of those juveniles who have taken a wrong turn in the process of maturing into young adults. Moreover, research indicates that of all those formally diverted from prosecution, some 88% do not come to the attention of the Garda Síochána again by their 18th birthday.

The juvenile diversion programme already exists on a nationwide basis and is delivered throughout the country by specially trained gardaí. Resource implications are constantly under review and applications for additional resources are made on a case by case basis when and where necessary.

In regard to Garda resources generally, the House will be aware that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. The Commissioner will now draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the juvenile liaison scheme will be fully taken into account.

### Child Care Services.

15. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if he is satisfied that sufficient resources are available for juvenile liaison officers; and if he will make a statement on the matter. [16183/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that as of the 13 May 2005 there were 86 juvenile liaison officer, JLO, gardaı´ and eight, JLO sergeants working in the various divisions throughout the country. In addition to this the National Juvenile Office has a staff of one superintendent, two inspectors and two sergeants. The administration in the office is carried out by these two sergeants and four civilian staff.

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education or training. The programme is funded by the Exchequer and the European Union Structural Funds as part of the regional operational programmes of the national development plan.

The programme makes capital grant assistance available to community based not-for-profit organisations and to self-employed private providers to build, renovate or equip a child care service, if their proposal meets with the objectives of the programme. In areas of significant disadvantage, multi-annual staffing grants may be available to community based groups providing child care which meets the needs of disadvantaged parents to enable them to avail of work, education or training opportunities.

The Deputy may already be aware that, following a detailed review of the staffing grants under the EOCP, I am now in a position to extend to the end of December 2007 the terms of the existing staffing grants to groups which have received such staffing funding for a period of three or more years and which continue to deliver a child care service in accordance with their pre-agreed targets. To benefit from such funding, the groups must continue to pay particular attention to the support of disadvantaged families and the implementation of a fee structure tailored to the differing economic circumstances of the client group and which ensures that child care places subsidised by the EOCP are targeted towards those most in need.

The Deputy may also be aware that, following discussions with my colleague the Minister for Finance, an additional capital provision of €90 million was made available for the development of child care infrastructure over the period 2005-09 in the context of the 2005 budget and as part of the five year multi-annual framework for capital expenditure. This brings the total funding available for the programme to €499.3 million and now includes an increased provision for capital developments for which €205 million has been set aside. Since December 2004, I have announced capital grant allocations totalling almost €67 million to community based child care providers. I expect to make further significant capital grant allocations in the remainder of 2005 and thereafter.

The 2000-06 programme contains a number of targets, most notable to increase the supply of centre based places by over 55%. These targets will be exceeded and, the current programme’s record is impressive with more than 24,600 new places already and the prospect of at least a further 12,000 new places by the end of the programme. The outcomes of the current programme will be evaluated thoroughly to identify outstanding need which will be addressed in a successor programme.

Asylum Applications.

17. Mr. Howlin asked the Minister for Justice, Equality and Law Reform the number of applications for asylum received during 2002, 2003, 2004 and to date; the number of applications approved by the Refugee Appeals Commission; the number of appeals submitted to the Refugee Appeals Tribunal and the number of such appeals upheld; the number of applications for leave to remain and the number of such applications granted; the number of deportation orders made and the number of such deportations carried out; and if he will make a statement on the matter.

[16123/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested is set out as follows in tabular format.

Table 1: Number of applications for asylum received and the number of recommendations by the Office of the Refugee Applications Commissioner* to grant refugee status (at first instance) in 2002, 2003, 2004 and 2005**.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005*</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of applications received</td>
<td>11,634</td>
<td>7,900</td>
<td>4,766</td>
<td>1,579</td>
</tr>
<tr>
<td>No. of recommendations to grant refugee status (at first instance)***</td>
<td>894</td>
<td>345</td>
<td>430</td>
<td>144</td>
</tr>
</tbody>
</table>

*It is assumed that the reference in the Deputy’s Question to “Refugee Appeals Commission” refers to the Office of the Refugee Applications Commissioner.

**As at 30/04/05.

***These recommendations refer to the year in which the recommendations were made and not the year in which the applications were lodged.

Table 2: Number of appeals submitted to the Refugee Appeals Tribunal and the number upheld (at appeal stage) in 2002, 2003, 2004 and 2005*.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005*</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of appeals received**</td>
<td>5,157</td>
<td>5,014</td>
<td>4,815</td>
<td>1,535</td>
</tr>
<tr>
<td>No. of appeals upheld (granted refugee status)**</td>
<td>1,099</td>
<td>833</td>
<td>702</td>
<td>212</td>
</tr>
</tbody>
</table>

*as at 30/04/05.

**Substantive and accelerated cases.
Table 3: Number of deportation orders signed and number effected in 2002, 2003, 2004 and 2005*.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005*</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Deportation Orders signed</td>
<td>2,430</td>
<td>2,411</td>
<td>2,915*</td>
<td>547**</td>
</tr>
<tr>
<td>No. of Deportation Orders effected**</td>
<td>521</td>
<td>590</td>
<td>599***</td>
<td>98***</td>
</tr>
</tbody>
</table>

*as at 30/04/05.  
**In addition to the 2,915 deportation orders signed in 2004 and the 547 deportation orders signed in 2005, there were also 238 Dublin II regulation transfer orders signed in 2004 and 112 Dublin II regulation transfer orders signed in 2005*.  
***In addition to the 599 deportation orders effected in 2004 and the 98 deportation orders effected in 2005, there were also 65 Dublin II regulation transfers effected in 2004 and 51 Dublin II Regulation Transfers effected in 2005.

Table 4: Number of applications for leave to remain received from current or former asylum applicants.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005*</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of applications received</td>
<td>6,887</td>
<td>1,272</td>
<td>269**</td>
<td>103**</td>
</tr>
</tbody>
</table>

*as at 30/04/05.  
**In the context of proposed deportation orders under the Immigration Act 1999, the issue of leave to remain, including on humanitarian grounds, is considered irrespective of whether an application is made or not. Thus, no statistics are kept as to the number of such applications made.

Table 5: Number of applications granted for leave to remain.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parentage of Irish Born Child</td>
<td>3,113</td>
<td>172</td>
<td>0</td>
<td>4,451**</td>
</tr>
<tr>
<td>Marriage to an Irish National</td>
<td>86</td>
<td>132</td>
<td>144</td>
<td>37</td>
</tr>
<tr>
<td>Dependent of EU Citizen</td>
<td>138</td>
<td>77</td>
<td>112</td>
<td>34</td>
</tr>
<tr>
<td>Other Grounds</td>
<td>158</td>
<td>86</td>
<td>175</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>3,495</td>
<td>467</td>
<td>431</td>
<td>4,550</td>
</tr>
</tbody>
</table>

*as at 30/04/05.  
**See Table 6.

Table 6: Number of applications for permission to remain made by the non-national parents of Irish born children born before 1 January 2005, and the number of such applications granted permission to remain.

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Applications for permission to remain made by the non-national parents of Irish Born Children born before 1 January, 2005*</td>
<td>17,877</td>
</tr>
<tr>
<td>No. of Applications for permission to remain granted**</td>
<td>4,451</td>
</tr>
</tbody>
</table>

*as at 30/04/05. Applications closed on 31/03/2005.  
**as at 30/04/05.

Homophobic Crime.

18. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform his plans to combat homophobic hate crime. [16173/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I share the concern of the Deputy and this House, and that of the public in general, about attacks on members of the gay community and other minority groups in the community. Article 40.1 of the Constitution states: “All citizens shall, as human persons, be held equal before the law”.

I am informed by the Garda authorities that they are satisfied that the areas frequented by members of the gay and lesbian community are being adequately policed. The policing requirements in these areas are reviewed on an ongoing basis to enable a response to any particular eventuality should the need arise.

I am further informed by the Garda authorities that they have for several years maintained a positive relationship with the gay community. They are in regular contact with those who represent the gay perspective on a variety of issues.

I also understand that 14 gardaí have received special familiarisation training and have been appointed as liaison officers to the gay, lesbian, bisexual and transgender community. These gardaí are based in Dublin, Cork, Limerick, Waterford, Kilkenny, Galway, Longford, Westmeath, Louth and also in the Garda domestic violence and sexual assault unit and community relations section.

The Garda authorities have also established a national advisory panel, which includes members
[Mr. McDowell:] who represent the gay perspective, to assist and inform gardaí on matters relating to their community.

With regard to hate crime more generally, the Prohibition of Incitement to Hatred Act 1989, created an offence of, *inter alia*, using words or behaviour, if the words or behaviour are threatening, abusive or insulting and are intended, or are likely, to stir up hatred.

“Hatred” is defined as hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation. Public incitement to racial hatred is a criminal offence under sections 2 and 3 of the 1989 Act in terms of material, written or oral, which is threatening, abusive or insulting.

The announcement of a review of the incitement to hatred legislation was made by my predecessor as Minister for Justice, Equality and Law Reform at a time when few, if any, successful prosecutions had been taken under the Act. One of the aims of the review was to ascertain whether problems with the Act itself were contributing to this lack of prosecutions and, if so, whether any reasonable changes to it could remedy that situation. Since the review was announced, a number of successful prosecutions have been taken under the 1989 Act. These trends are being monitored as part of the ongoing review and if maintained could have a significant influence on the outcome of the review and any subsequent proposals for legislation.

Apart from the Prohibition of Incitement to Hatred Act 1989, the Criminal Justice (Public Order) Act 1994 is the main relevant legislative instrument pertaining to hate crime. That Act created an offence of using or engaging in threatening, abusive or insulting behaviour in a public place. It also created an offence of distributing or displaying in a public place, material which is threatening, abusive, insulting or obscene.

**Crime Levels.**

19. Mr. Timmins asked the Minister for Justice, Equality and Law Reform the crime level across all headings for the Arklow area in 1997. [16169/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In regard to crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to six per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the following table shows the indictable offences, by group, for the Garda district of Gorey which includes the Arklow area. It is important to note that the figures shown for 1997 are not comparable to statistics provided for the years 2000 onwards due to the introduction of the PULSE computer system by the Garda Síochána in 1999.

<table>
<thead>
<tr>
<th>Group</th>
<th>Recorded</th>
<th>Detected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1 — Offences Against the Person</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>Group 2 — Offences Against Property</td>
<td>226</td>
<td>124</td>
</tr>
<tr>
<td>Group 3 — Larcenies, etc.</td>
<td>226</td>
<td>163</td>
</tr>
<tr>
<td>Group 4 — Other Offences</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

**Law on Defamation.**

20. Mr. Howlin asked the Minister for Justice, Equality and Law Reform the position regarding his consideration of the recommendations of the Legal Advisory Group on the Defamation Law, particularly in regard to the proposals for the establishment of a statutory press council; when he intends to bring proposals on this matter to Government; and if he will make a statement on the matter. [16122/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am pleased to inform the House that I am in the process of seeking the approval of the Government for the drafting of my proposals for a Defamation Bill. I intend to publish the details of my proposals following the Government decision on them.

**Garda Equipment.**

21. Mr. M. Higgins asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the recent caution from the Court of Criminal Appeal to gardaí concerning the importance of electronic taping of interviews...
with suspects in serious criminal cases; the number of Garda stations now equipped with video and audio taping equipment; the proportion of interviews conducted by the gardaí which is taped; his plans for the extension of such facilities to all Garda stations; and if he will make a statement on the matter. [16120/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the matter referred to by the Deputy and of the strong views expressed by the Court of Criminal Appeal on the desirability of recording interviews with suspects in custody.

This view of the court is very much at one with the conclusions reached by the Steering Committee on Audio and Audio-Video Recording of Garda Questioning of Detained Persons in its latest report. The report, which I laid before the Houses and made public, concluded that the committee was strongly of the view that all interviews as specified in the regulations be recorded, subject to the specific exceptions provided for in these regulations.

That said, the committee noted the very high rate of audio-video recording of interviews by the gardaí, 96% of the total, during the period January to November 2003. I am informed by the Garda authorities that a recently conducted survey indicates that figure has been increased to 98.1%.

I am also informed by the Garda authorities that a total of 130 Garda stations have the necessary recording equipment and are in use. Arising from the committee’s report, I understand from the Garda authorities that a working group is examining the extension of these facilities to other Garda stations.

Public Order Offences.

22. Mr. Rabbitte asked the Minister for Justice, Equality and Law Reform the action he intends to take to deal with vandalism and anti-social behaviour; and if he will make a statement on the matter. [16146/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Strong provisions are already in place to combat vandalism and anti-social behaviour. The primary basis for the law regarding public order offences is the Criminal Justice (Public Order) Act 1994.

Because of my concerns about the abuse of alcohol and its contribution to public order offending and broader social problems, I brought forward tough new provisions to deal with alcohol abuse and its effect on public order in the Intoxicating Liquor Act 2003. One of the provisions is the use of temporary closure orders. The Act broadened the application of the temporary closure order penalty which was introduced to combat under-age drinking to cover also convictions for a series of public order offences such as supplying intoxicating liquor to drunken persons and the duty on licensees to preserve order on licensed premises.

The Criminal Justice (Public Order) Act 2003 has also been enacted, the main purpose of which is to provide the Garda Síochána with additional powers to deal with late night street violence and anti-social conduct attributable to excessive drinking. It does this by providing for the closure of premises such as pubs, off licenses, late night clubs and food premises, as well as the making of exclusion orders on individuals, in addition to any penalty they might receive under the 1994 Public Order Act.

This year I succeeded in securing an all-time historic high level of funding for the Department of Justice, Equality and Law Reform and its associated agencies. The Garda, the courts and the prisons together with the Department have never been better resourced or equipped. This funding will enable a number of key public policy initiatives to go ahead next year. Included in these are the recruitment of additional gardaí to increase the strength of the force by 2,000 within two years bringing its total complement to 14,000.

Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic law enforcement duties. One thing I have already promised is that the additional gardaí will not be put on administrative duties but will be put directly into frontline, operational, high-visibility policing.

I was pleased to note a reduction in assault causing harm in 2004 compared with 2003. This trend has continued in 2005 with a 15% reduction in assaults causing harm in the first quarter compared to the same period last year.

However, the incidence of anti-social behaviour remains a matter of concern to me. I am therefore taking a number of initiatives to strengthen the powers available to the Garda Síochána to combat anti-social behaviour. I have proposed a fixed charge procedure in regard to certain public order offences in the Criminal Justice Bill 2004 which is currently at Second Stage in this House.

I am particularly concerned that people, particularly the elderly, feel threatened by forms of harassment, which, of themselves may not be a criminal offence but which may cause distress. For this reason, I announced last December that I intend to bring forward an amendment to the Criminal Justice Bill 2004 to provide for the introduction of anti-social behaviour orders. I propose that the Garda should be able to apply to the courts by way of civil procedure for an anti-social behaviour order which would prohibit the person from behaving in an anti-social way. The prin-
[Mr. McDowell.] Principle behind the orders is similar to the power to bind over. It is therefore not a new legal concept.

I accept that because of the immaturity of young people, applying anti-social behaviour orders to them requires a somewhat different approach to that adopted for adults. Therefore, my proposals, in so far as young people are concerned, will be specifically tailored so that they are integrated into the Children Act. However, the anti-social behaviour order, backed up by appropriate enforcement, is in itself a practical measure to prevent young people progressing down the path towards serious offending, which is one of the main purposes of the Act.

As the Deputy is aware, Garda youth diversion projects are funded by my Department. They are a crime prevention initiative designed to engage with young people who have been identified as being at risk of involvement in criminal or anti-social behaviour. Each project is managed by a multi-agency and community based committee, which is responsible for the strategic direction of the project. The projects are a tangible measure of crime prevention and reflect a commitment to multi-agency partnerships in tackling crime and anti-social behaviour at community level. The work of the projects involves linking young people with non-offending peer groups and the forming of stable and trusting relationships with adults in the community. The intended impact of this process is that those so engaged develop into responsible citizens and that they do not progress into the criminal justice system.

I attach great importance to the development of a real partnership between the Garda Síochána and local authorities on matters affecting policing. My intention, as set out in the Garda Síochána Bill, is that joint policing committees and local policing fora will provide an arena where the Garda Síochána and local authorities can co-operate and work together to address local policing and other issues which are in the management of the local authority and where the gardaí can make a strong case for their particular interests to be taken into account.

The Bill specifically provides that among the functions which the committees will be particularly mandated to carry out is keeping under review the levels and patterns of crime, disorder and anti-social behaviour in their area, including the patterns and levels of misuse of alcohol and drugs, and the factors underlying and contributing to those levels of crime, disorder and anti-social behaviour. Local policing fora will discuss and make recommendations to their committee concerning these matters as they affect their neighbourhoods. These are significant innovations which will strengthen policing at local level. They will ensure that the new committees and their sub-structures will provide a permanent forum to address the issue of anti-social behaviour.

I have mentioned legislation which I have already introduced to combat the abuse of alcohol and the public order problems to which it gives rise. I have recently published the general scheme of the Intoxicating Liquor Bill 2005, which will carry forward this work. The main purpose of the proposed Bill is to streamline and modernise our liquor licensing laws. It will also contain provisions which will combat anti-social behaviour.

This Government is strongly committed to the reduction and prevention of crime through strong and effective crime prevention methods. However, I cannot stress enough that while legislative measures can help to curtail the problem of anti-social behaviour, they cannot be viewed as the only solution. All those with an interest in this area have to play their role in helping to address the problems of vandalism and anti-social behaviour in our society.

Immigrant Services.

23. Ms McManus asked the Minister for Justice, Equality and Law Reform his proposals for the establishment of a new one-stop shop for dealing with all immigration matters; and if he will make a statement on the matter. [16127/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In March 2005 the Government approved the establishment on a non-statutory basis of the Irish Naturalisation and Immigration Service, INIS, as an executive office within the Department of Justice, Equality and Law Reform. It is intended to provide a “one stop shop” approach to services relating to the admission of migrants. This decision provides a platform for the establishment of the service and for future developments. It is expected to take up to a year for the new arrangements and structures to be put in place.

The service will incorporate the Department of Justice, Equality and Law Reform’s asylum, immigration and citizenship functions and structures. The visa section of the Department of Foreign Affairs will transfer to the service in the Department of Justice, Equality and Law Reform. Responsibility for the provision of visa services at diplomatic and consular missions abroad will remain with the Department of Foreign Affairs.

The service will aim to develop a cohesive system for the issuing of work permits and visas through a virtual link between the work permit system in the Department of Enterprise, Trade and Employment and the INIS. The overall effectiveness of these arrangements will be reviewed within two years. The economic migration policy function will remain with the Minister for Enterprise, Trade and Employment.

The service will include a new immigrant integration unit to promote and co-ordinate social and organisational measures across the whole spectrum of Government for the acceptance of
lawful immigrants into Irish economic and cultural life.

The proposed new structure will have significant benefits from the point of view of customer service and the strengthening of the effectiveness and integrity of the State’s immigration system, specifically: a single contact point or “one stop shop” for applications for entry to the State — combining the current work permit and visa application processes; a clearer system involving more streamlined processes; improved sharing of information in linked systems to simplify decision making; improved service times as applications do not have to be submitted to a number of organisations; and improved control and enforcement mechanisms.

Asylum Applications.

24. Ms Lynch asked the Minister for Justice, Equality and Law Reform the number of applications to remain in the State received to date from non-national parents of Irish born children; the number of such applications that have been determined to date, giving those granted and those refused; if there is an appeals process in respect of applications turned down; and if he will make a statement on the matter. [16124/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The closing date for receipt of applications for the IBC/05 scheme, that is, the revised arrangements for consideration of applications for leave to remain for parents of children born in Ireland before 1 January 2005, was 31 March 2005. Some 18,000 applications were received. Of this number, more than 5,000 applicants have been granted temporary permission to remain and 27 applicants have been refused. It should be noted that a significant number of incomplete applications are currently under examination or are being held pending the submission of documents.

In relation to the issue of appeals, some of those who may not be successful under this scheme will otherwise have a right to remain in the State, for example, they may be here on work permits or on study visas. However, on the basis of those applications processed to date, it seems that the majority of applicants under the scheme do not have an alternative right of residence. Where an application from a person without alternative right of residence is refused, he or she will be informed by letter, as applies to all persons who have no right to be in the State, of a proposal to make a deportation order in accordance with section 3 of the Immigration Act 1999, as amended.

The person will be given the option at that stage of making representations setting out the reasons he or she should be granted permission to remain temporarily in the State. The person’s case file, including all representations submitted, will be considered under the various criteria set out in section 3(6) of the Immigration Act 1999, as amended, and under section 5, prohibition of refoulement, of the Refugee Act 1996, as amended.

Prison Building Programme.

25. Mr. Sargent asked the Minister for Justice, Equality and Law Reform the capital funding which has been allocated to the Mountjoy complex in Dublin in each of the past ten years; and if he will itemise the projects in each instance. [16189/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The precise information requested by the Deputy is not readily available. However, an amount of approximately €45.375 million was spent on capital expenditure during the period 1995 to 2004, inclusive, on the Mountjoy Prison complex. The Mountjoy Prison complex includes Mountjoy male prison, St. Patrick’s Institution, the Dóchas Centre and the training unit. This expenditure on capital projects reflects the construction cost and related professional fees of the various projects and the related fit-out costs of these works. Included in this figure is the bulk of the cost of construction of the Dóchas Centre amounting to €19.3 million, this includes the provision of a multi-storey car park for the Mountjoy Complex, the construction of the special school at St. Patrick’s Institution at a cost of €8.3 million and fire safety work at the training unit at a cost of €1.2 million.

I am determined to improve conditions for prisoners in the Mountjoy Prison and end the requirement for slopping out. I am also conscious that since the opening of the Dóchas Centre there has been a serious overcrowding problem, even with the benefit of an additional 20 spaces provided there in the final phase of its construction.

Redeveloping the existing 20 acre Mountjoy site would be prohibitively expensive — over €400 million — present significant operational difficulties and would leave no scope for expansion. It is for these compelling reasons that a new 150 acre site has been purchased at Thornton. Among the facilities planned for the new site is a new expanded version of the Dóchas Centre. It would not make operational or economic sense to maintain two women’s prisons in operation in the Dublin area.

Immigration Policy.

26. Ms B. Moynihan-Cronin asked the Minister for Justice, Equality and Law Reform the consultation process he intends to initiate in regard to his recently published discussion document, Immigration and Residency in Ireland; and if he will make a statement on the matter. [16131/05]

62. Ms B. Moynihan-Cronin asked the Minister for Justice, Equality and Law Reform when he will implement the commitment given in his Department’s strategy statement for 2001 to 2004 to further develop an immigration policy for the State and to bring forward new immigration legis-
lution, within a structured framework; and if he will make a statement on the matter. [16132/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 26 and 62 together.

Immigration policy is kept under review in my Department on an ongoing basis to ensure that the migration needs of the State are properly managed and that adequate structures and procedures are in place to do so. My Department has also progressed work on the development of the proposed Immigration and Residence Bill with a view to bringing legislative proposals to Government later this year.

The consultation process which I have recently initiated, by inviting interested parties to submit their views on the discussion document, Immigration and Residence in Ireland, will contribute to extensive preparation and research which has already taken place in the context of this new Bill. The deadline of 29 July 2005 will allow the views of interested parties to be considered in my Department as part of the ongoing work on the development of the Bill.

The discussion document, which builds on the earlier public consultation process initiated in June 2001, the International Organisation for Migration consultancy study published in August 2002 and the experience gained from our recent history as Ireland has moved from being a country of emigration to one of immigration, represents an assessment by my Department of what will be required of the new legislation. It sets out the range of issues to be considered and indicates how they are likely to be dealt with in the legislation and in future policy. The key proposals are set out in some detail in the discussion document and are summarised in an accompanying summary document. Both documents have been widely distributed and are available from both the Government Publications Office and in electronic format from my Department’s website.

Crime Levels.

27. Mr. Timmins asked the Minister for Justice, Equality and Law Reform the crime level across all headings for the Bray area in 1997. [16168/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In regard to crime figures the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to six per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

I am informed by the Garda authorities that the following table shows the indictable offences, by group, for the Garda district of Bray. It is important to note that the figures shown for 1997 are not comparable to statistics provided for the years 2000 onwards due to the introduction of the PULSE computer system by the Garda Síochána in 1999.

<table>
<thead>
<tr>
<th>Group</th>
<th>Recorded</th>
<th>Detected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group 1 — Offences Against the Person</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>Group 2 — Offences Against Property</td>
<td>1,376</td>
<td>491</td>
</tr>
<tr>
<td>Group 3 — Larcenies, etc.</td>
<td>1,088</td>
<td>446</td>
</tr>
<tr>
<td>Group 4 — Other Offences</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Question No. 28 answered with Question No. 10.

Garda Investigations.

29. Mr. Broughan asked the Minister for Justice, Equality and Law Reform the progress which has been made in the Garda investigation into two robberies of security vans in Dublin in March 2005 in which more than €4 million was taken; the total amount taken in raids on security vans during 2002, 2003, 2004 and to date in 2005; the number of such cases in which charges have been laid; if he is satisfied that the Garda have sufficient resources to deal with this plague of robberies and to bring those responsible to justice; and if he will make a statement on the matter. [16115/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that substantial progress is being made with the investigation into the crimes referred to by the Deputy, with searches being conducted by members of the Garda Síochána resulting in 26 persons being arrested and questioned. Firearm, drugs, cash and other property...
were seized during these searches. Two persons have been charged and are currently before the courts in relation to one of the robberies. The investigations are ongoing.

The readily available information regarding the total amount taken in raids on security vans and the number of such cases in which charges have been laid relates to 2004 and 2005 to date. With regard to 2004, I am informed that approximately €3.4 million was taken in raids on security vans. Six people are before the courts in relation to these raids. I am further informed that since the beginning of 2005 approximately €5 million has been taken in raids on security vans and that three people are before the courts charged in regard to these raids.

Operation Delivery was initiated in June 2004 in direct response to the increase in robberies of cash in transit in the Dublin area. Among the activities undertaken are: profiling and targeting of suspects; searching of premises associated with suspects; disruption of activities of suspects; surveillance of suspects; liaising with cash in transit companies; and intelligence gathering and analysis.

Operations have resulted in the arrest and charging of a number of suspects and the recovery of a number of firearms. The numbers of robberies of cash in transit have continued to decrease since the operation was established in June 2004. In the first three months of 2004 there were 12 robberies involving security vans, compared with nine in the first three months of this year.

I am assured by the Commissioner that the necessary resources are being directed towards the containment and detection of such serious criminal activity.

Bullying in the Workplace.

30. Mr. M. Higgins asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to claims made by the president of the Garda Representative Association that insidious bullying is rife within the Garda Síochána; if steps are being taken to establish the extent of this problem within the Garda and to ensure that steps are taken to stamp it out; and if he will make a statement on the matter. [16121/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been advised by the Garda authorities that there is no evidence to support the claims made by the president of the Garda Representative Association.

I am further advised that the Garda Síochána has a comprehensive policy in place to deal with issues relating to equality, bullying, harassment and sexual harassment supported by a well defined and robust investigative and grievance procedure. Details of the policy may be found on the Garda website, www.garda.ie.

The policy is subject to periodic review. In this regard, the Commissioner has directed the establishment of a working group to carry out such a review. The group will be chaired by a senior officer and will have representation from all Garda associations.

Crime Levels.

31. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the steps he proposes to take to combat escalating gun crime, with particular reference to the use of automatic and semi-automatic weapons, sawn off shot guns and hand guns; and if he will make a statement on the matter. [16170/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply of today’s date to Questions Nos. 5 and 6.

Prison Officers Dispute.

32. Mr. Penrose asked the Minister for Justice, Equality and Law Reform the contingency plans he has in place to ensure the safety and security of prisons here should the current dispute with the Irish Prison Officers’ Association lead to industrial action; and if he will make a statement on the matter. [16141/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware it is the Government’s intention, in the event of industrial action by the Prison Officers’ Association, to deploy members of both the Garda Síochána and the Defence Forces as necessary. The Deputy will appreciate that, for obvious security reasons, I am not prepared to outline the details of the contingency plans being made. I hope that deployment of the Garda and the Army does not become necessary and I should add that no notice of industrial action has been served to date. However, industrial action would represent a threat to the security of the State and the Government must be prepared to take whatever action is necessary to protect the safety and security of the prisons.

Garda Investigations.

33. Mr. O’Shea asked the Minister for Justice, Equality and Law Reform the progress made with regard to the Garda investigation into the major money laundering operation uncovered earlier in 2005; if a file has been sent to the Director of Public Prosecutions; and if he will make a statement on the matter. [16134/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the Garda investigation, which is extensive both within and outside the jurisdiction, remains ongoing and active. Upon completion, a file will be submitted to the Director of Public Prosecutions.

All possible avenues of information that might assist in furthering the case are being explored, and a key focus is the links between the money
[Mr. McDowell.]
seized and the robbery of the Northern Bank in December 2004.

As the Garda investigation remains ongoing, I do not consider that further, detailed comment on the matter would be appropriate.

Garda Personnel.

34. Mr. Sargent asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Síochána who have been dismissed from the force or lost their pension entitlements in each of the past ten years; and if he will make a statement on the matter. [16190/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the number of personnel who have been dismissed from the Garda Síochána in each of the years 1995 to 2004 and from 1 January to 13 May 2005 was as set out as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
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</thead>
<tbody>
<tr>
<td>1995</td>
<td>2</td>
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<tr>
<td>1996</td>
<td>1</td>
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<tr>
<td>1997</td>
<td>1</td>
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<td>2003</td>
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<tr>
<td>2004</td>
<td>3</td>
</tr>
<tr>
<td>13/05/2005</td>
<td>2</td>
</tr>
</tbody>
</table>

In addition, the number of probationer gardaí whose services have been dispensed with in the same period was as set out as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>1</td>
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<tr>
<td>1996</td>
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<td>2003</td>
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<tr>
<td>2004</td>
<td>0</td>
</tr>
<tr>
<td>13/05/2005</td>
<td>0</td>
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</table>

Under the terms of the Garda Síochána Pensions Order 1925, and agreements made within the Garda Conciliation Council, deductions can be made from pensions only in cases involving financial loss to the Exchequer. This is meant to cover cases involving fraud and the like. No member of the Garda Síochána who has been dismissed from the force or whose services have been dispensed with in the past ten years has lost pension entitlements which they have accrued up to their final date of service.

Asylum Applications.

35. Ms C. Murphy asked the Minister for Justice, Equality and Law Reform if he intends to confer immigration status on persons (details supplied) who were granted work permits due to the fact that they were resident here as asylum seekers prior to 28 July 1999. [16011/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that persons in the State seeking asylum do not have the right to work pursuant to section 9(4)(b) of the Refugee Act 1996. However, as an exceptional measure — and before the commencement of the Refugee Act 1996 in November 2000 — the Government decided on 26 July 1999 to allow a certain category of asylum seeker to seek employment, while his-her asylum claim was being processed.

The qualifying criteria were, first, that the asylum seeker had made his-her application on or before 26 July 1999, second, that the application was more than 12 months old and had not been finally determined, and, third, that the person had been complying with his-her obligations as an asylum seeker. In addition, requests from employers for work permits to employ asylum seekers in that category were to be generally facilitated.

Approximately 2,500 person fell into this category. The concession was subsequently amended to remove the need for employers to seek work permits for the persons eligible, who were instead issued with “right to work” letters. However, this right to work ceased if and when the person received a final negative decision about his or her asylum claim. This has subsequently been upheld in judgments by the High and Supreme Courts.

The position in regard to the six persons referred to by the Deputy is as follows. All six have had their asylum claims rejected. Two are evading deportation orders already issued in respect of them since 8 March 2002 and 10 February 2005, respectively, and are being sought by the Garda National Immigration Bureau for removal. The remaining four cases are being considered for deportation-leave to remain under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996, prohibition of refoulement, as amended. I expect these cases to be submitted to me shortly for a decision. It should be noted that, in determining whether to issue a deportation order in respect of a person, I am obliged by section 3(6)(e) to consider the employment, including self-employment, record of the person concerned.

The persons concerned will be notified of their outcome in due course.

Crime Levels.

36. Mr. Costello asked the Minister for Justice,
Equality and Law Reform the steps being taken to deal with the surge of serious crime in recent months, including the spate of gangland style killings, robberies of cash in transit consignments, abductions and kidnappings; if he will provide additional resources to the Garda to help them combat these killings; and if he will make a statement on the matter. [16112/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer to priority Question No. 6 of today’s date.

National Women’s Strategy.

37. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if he will report on the progress of the interdepartmental committee in developing a national women’s strategy; the composition of the committee; if the draft strategy will be ready by the end of July 2005 as previously indicated; and if the strategy will be completed by October 2005 as previously indicated. [16172/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An interdepartmental committee, chaired by my Department, and comprising senior officials in relevant Departments was established in January 2005 to take responsibility for the drafting of the strategy. The chairperson has advised me that he is satisfied that the committee is on course to complete its work by end October.

A consultation group made up of the social partners and the National Women’s Council of Ireland has also been established.

Murders involving Firearms 1998 to 16 May 2005.

<table>
<thead>
<tr>
<th>Year</th>
<th>Recorded</th>
<th>Detected</th>
<th>Proceedings Commenced</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>4</td>
<td>3</td>
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<td>1999</td>
<td>12</td>
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<td>*2004</td>
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<tr>
<td>*2005</td>
<td>8</td>
<td>1</td>
<td>1</td>
<td>0</td>
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</tbody>
</table>

*Figures for 2004 and 2005 are operational and liable to change.

I am informed by the Garda authorities that murders involving the use of firearms tend to have lower conviction rates than other murders. This is not unique to Ireland. The number of violent deaths, murder and manslaughter, recorded in 2004 is 45, the lowest number recorded in ten years, despite our population increasing by 400,000 during the same period.

Tribunals of Inquiry.

39. Mr. Gormley asked the Minister for Justice, Equality and Law Reform the efforts which have been made by him to ensure that persons (details supplied) have legal representation at the Morris tribunal; and if he will make a statement on the matter. [16186/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons applied for and were granted the right to legal representation in July 2002.

They were fully represented by counsel during the opening of the second module, the Barron Crime Levels.

38. Mr. Broughan asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 and to date; the number of such cases in which prosecutions for murder have been initiated; the number of such cases in which convictions have been secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [16114/05]

260. Mr. Costello asked the Minister for Justice, Equality and Law Reform the number of cases of murder in which firearms were used in respect of each year from 1998 to 2005 to date; the number of such cases in which prosecutions for murder have been initiated; the number of such cases in which convictions have been secured; if he is satisfied with the level of detection and conviction in such cases; and if he will make a statement on the matter. [16262/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 38 and 260 together.

I am informed by the Garda authorities that the following table shows the number of murders in which firearms were used in respect of each year from 1998 to 16 May 2005.

As the Deputy is aware, the Director of Public Prosecutions is statutorily independent in the performance of his function and it would, therefore, be inappropriate for me to comment on his decisions. Furthermore, judges are independent in the exercise of their judicial functions and subject only to the Constitution and the law. It would therefore be inappropriate for me to comment on their decisions also.
investigation module, in Donegal in the summer of 2003. Work on that module was discontinued in September 2003 until June 2004, while the tribunal completed its hearings into and published its report on the first module. The family was not represented by counsel on the resumption of the second module in June 2004 to its conclusion in April last. At various times the persons concerned complained that they were unable to obtain legal representation by reason of the costs involved and have sought to have the costs of their legal representatives paid or guaranteed in advance.

The costs issue has been raised on many occasions in the House and my position on it is clear. The current legislation, the Tribunal of Inquiry (Evidence) Acts 1921 to 2002, provides that the question of costs is solely a matter for the tribunal. The Acts provide that a tribunal which, having regard to its findings and all other relevant matters, is of opinion that there are sufficient reasons rendering it equitable to do so, can order the whole or part of the costs of representation of a person appearing before it to be paid.

A tribunal, when determining whether costs should be paid, may take into account failure to co-operate or to provide assistance to, or knowingly giving false or misleading information to, the tribunal. This has important practical implications for tribunals generally in their search for the truth. The power to decide on costs is, therefore, one of the most powerful weapons in the armoury of a tribunal to ensure the co-operation and truthfulness of the parties.

In relation to the Morris tribunal, it is clear from the chairman’s judgment on applications for costs associated with the first module that he regards co-operation with the tribunal and truthfulness in giving evidence as matters of paramount importance. In deciding on costs he made deductions in some cases and totally rejected other applications where he was of the opinion that persons deliberately lied or otherwise hindered him in his efforts to get to the truth.

It is crucial that this power is available to tribunals and that it is not undermined. To interfere with it, however well-intentioned the motives, would blunt the effectiveness of tribunals in general, and the Morris tribunal in particular, in uncovering the truth and I am not prepared to do that. I have consistently maintained this policy even in the face of High Court challenges from a number of parties to the Morris tribunal.

The McBrearty family is being treated no differently than other witnesses to this or any other tribunal when it comes to the issue of legal representation and the payment of legal costs. Furthermore, it is clear that Mr. Justice Morris is well aware of the issues of the various parties with regard to their costs and has acted expeditiously by dealing with the costs of each module at the close of each module. This is clearly of significant assistance to witnesses with legal representation. Accordingly, no lawyer whose client co-operates with the tribunal will experience any undue delay in payment.

A report on the second module is anticipated in the near future and on the evidence of the first report, clearly the tribunal will be forthright in its comments and its criticisms and will not hesitate to apportion blame wherever it feels necessary. The Government for its part will also act quickly, as it did in the light of the first report, in response to the findings of the tribunal.

On the issue of costs, it is expected that the tribunal will hear applications for costs associated with the second module on 13 June. This may prove to be of assistance to the family who will be entitled to make an application for costs associated with this module of the tribunal’s work.

### Prison Building Programme.

40. **Ms O’Sullivan** asked the Minister for Justice, Equality and Law Reform the position with regard to plans to construct a new prison at Thornton, County Dublin; if the Irish Prison Service has taken possession of the site; the estimated cost of the project; when construction will begin; when the project will be completed; if his Department or the Irish Prison Service has met with local residents to hear their concerns; and if he will make a statement on the matter. [16137/05]

#### Minister for Justice, Equality and Law Reform (Mr. McDowell):

A contract has been signed for the purchase of the site and that plans are being formulated at present regarding the prison development. These will be made available in conjunction with the statutory planning process. In accordance with the Department of Finance regulations, the Prison Service is currently preparing a business case regarding the development for submission to the Government. It is intended that construction of the prison development will commence in late 2006. The cost of this project will be determined following a procurement process in line with EU directives and public procurement guidelines. It would, therefore, be inappropriate for me to give an indication in relation to costs at this stage as this would be commercially sensitive information which may affect the tendering process. One meeting has been held between officials of the Irish Prison Service and a group of representatives from the local primary school. There will be a process of consultation with the local community as soon as outline plans for the new development are drawn up.

### Irish Prison Service.

41. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the action he is taking to address the concerns expressed in the Second Annual Report of the Inspector of Prisons and Places of Detention for 2003. [16180/05]
Refugee Appeals Tribunal.

42. Mr. Gogarty asked the Minister for Justice, Equality and Law Reform if he has plans to provide a meaningful statistical breakdown of cases decided upon by the Refugee Appeals Tribunal. [16185/05]

64. Ms McManus asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the call made by a person (details supplied) for the publication of a breakdown of the decisions made by members of the Refugee Appeals Tribunal; if he will publish such details; and if he will make a statement on the matter. [16126/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 42 and 64 together.

As the Refugee Appeals Tribunal, RAT, is a quasi-judicial body, the members of which are statutorily independent in the performance of their functions under the provisions of sections 15 and 16 of the Refugee Act 1996, as amended, it is a matter for the tribunal to decide on the nature of the statistical information which it publishes.

Some statistical data on the work of the tribunal is contained in the 2004 RAT annual report, which was laid before both Houses of the Oireachtas on 20 April 2005.

Proposed Legislation.

43. Mr. Sherlock asked the Minister for Justice, Equality and Law Reform when the long promised Judicial Conduct and Ethics Bill will be published; if he has brought proposals to Government on the matter; if the heads of a Bill have been approved by Cabinet; the general approach he intends to adopt; and if he will make a statement on the matter. [16153/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I expect to be in a position shortly to bring the scheme of a Judicial Council Bill to Government for approval with a view to publishing the Bill in the first half of this year. The preparation of the scheme of the Bill is at an advanced stage. I am engaged in a number of necessary consultations on the draft scheme at present.

The Bill will establish a judicial council with responsibility for a number of matters. Among these will be the devising of a code of ethics and the management of a process, to be set out in the Bill, for the investigation of complaints about judicial misbehaviour. An important feature of this disciplinary process will be provisions requiring lay participation, that is to say people who are not judges or lawyers, in the process. Other matters to be included in the council’s functions will be responsibility for judicial education and training and the exchange of information among judges on such matters as sentencing. In these regards, the Bill will build on the Report of the Committee on Judicial Conduct and Ethics chaired by the former Chief Justice, Ronan Keane.

When the scheme of the Bill has been approved by Government, I will make it available to the Joint Committee on Justice, Equality, Defence and Women’s Rights. Any views that may emerge from the joint committee can be taken into account during the drafting of the Bill, which will be proceeding at the same time.

Claims against Gardaí.

44. Mr. S. Ryan asked the Minister for Justice, Equality and Law Reform the amount paid out either in respect of court awards or out of court settlements for claims taken against members of the Garda in respect of assault, unlawful arrest or other breach of a citizen’s right in respect of 2001, 2002, 2003, 2004 and to date; the number of cases in which awards have been made by the courts and the number of cases which have been settled out of court; the number of such cases pending; and if he will make a statement on the matter. [16150/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy in regard to court awards and out of court settlements in actions taken against members of the Garda Síochána in respect of assault, unlawful arrest or other breaches of citizens’ rights is set out in the following table. As of 31 December 2003, there were approximately 750 civil actions taken against members of the Garda Síochána on hand. A detailed breakdown of these actions in the form of the number of allegations of assault, unlawful arrest and other breaches of citizens’ rights is not readily available. However, a database introduced in 2002 for the purposes of recording civil actions taken against members of the Garda Síochána, indicates that in 2003 — the first complete year for which a detailed breakdown is available — of the 142 actions initiated or received in that year by my Department, there were 34 cases of alleged assault recorded and 38 cases of alleged unlawful arrest recorded. The remaining 70 cases recorded included allegations of defamation and harassment. In the year 2004, 127 actions were initiated-received. They included 40 cases of alleged assault and 26 cases of alleged unlawful arrest. In the year 2005 to date, 44 actions have been initiated-received. They include 19 cases of alleged assault and six cases of alleged unlawful arrest.

Civil actions may be taken by the general public against members of the Garda Síochána for compensation for alleged wrongs and personal injuries inflicted on them by Garda members in the performance of their duties. The highest percentage of these types of civil actions against the Garda Síochána is in regard to assault...
and unlawful arrest. The majority of these cases have been settled for less than €25,500. Settlement of cases takes place on the advice of the Chief State Solicitor, the Attorney General and State counsel.

The Garda Commissioner has informed me that incidents which result in claims against the State in respect of the actions of gardaí are examined as appropriate with a view to identifying and implementing operational strategies to eliminate or reduce similar claims in the future. The Garda Commissioner has also informed me that the Garda Síochána (Discipline) Regulations 1989 are invoked in appropriate cases where the actions of individual Garda members come into question. One of the principal aims of the Garda Síochána Bill 2004 is the establishment of a new mechanism for dealing with complaints against members of the Garda Síochána which will secure public confidence and which will address the acknowledged shortcomings in the existing law and procedures on complaints.

<table>
<thead>
<tr>
<th>Year (Total Amount)</th>
<th>Assault</th>
<th>Unlawful Arrest</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001 €1,619,746.83</td>
<td>€1,904.61 (1)</td>
<td>€20,950.68 (2)</td>
<td>€22,220.42 (1)</td>
</tr>
<tr>
<td>Settlements</td>
<td>€123,164.59 (5)</td>
<td>€33,965.49 (3)</td>
<td>€162,782.25 (9)</td>
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<tr>
<td>Costs</td>
<td>€244,665.35</td>
<td>€123,199.41</td>
<td>€886,894.03</td>
</tr>
<tr>
<td>Total</td>
<td>369,734.55</td>
<td>178,115.58</td>
<td>1,071,896.70</td>
</tr>
<tr>
<td>2002 €1,240,388.40</td>
<td>€1,270 (1)</td>
<td>€3,809.21 (1)</td>
<td>€56,500 (2)</td>
</tr>
<tr>
<td>Settlements</td>
<td>€166,924.48 (6)</td>
<td>€106,835.58 (10)</td>
<td>€195,078.82 (11)</td>
</tr>
<tr>
<td>Costs</td>
<td>€230,769.67</td>
<td>€148,714.19</td>
<td>€340,486.45</td>
</tr>
<tr>
<td>Total</td>
<td>398,964.15</td>
<td>259,358.98</td>
<td>582,065.27</td>
</tr>
<tr>
<td>2003 €1,276,127.55</td>
<td>€11,000 (1)</td>
<td>€10,000 (2)</td>
<td>€4,870 (2)</td>
</tr>
<tr>
<td>Settlements</td>
<td>€75,000 (4)</td>
<td>€303,011 (5)</td>
<td>€112,814.84 (4)</td>
</tr>
<tr>
<td>Costs</td>
<td>€145,561.70</td>
<td>€71,794.28</td>
<td>€542,075.73</td>
</tr>
<tr>
<td>Total</td>
<td>231,561.70</td>
<td>384,805.28</td>
<td>659,760.57</td>
</tr>
<tr>
<td>2004 (Provisional) €938,799.09</td>
<td>€15,000 (1)</td>
<td>0</td>
<td>€3,215.06 (1)</td>
</tr>
<tr>
<td>Settlements</td>
<td>€198,697.48 (5)</td>
<td>€73,007 (5)</td>
<td>€50,500(3)</td>
</tr>
<tr>
<td>Costs</td>
<td>€231,646.62</td>
<td>€100,019.36</td>
<td>€266,713.57</td>
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<td>Total</td>
<td>445,344.10</td>
<td>173,026.36</td>
<td>320,428.63</td>
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<tr>
<td>2005 (Provisional) €693,980.22 as at 16/05/05</td>
<td>—</td>
<td>€250.00 (1)</td>
<td>—</td>
</tr>
<tr>
<td>Settlements</td>
<td>€37,500 (2)</td>
<td>€16,114.00 (3)</td>
<td>—</td>
</tr>
<tr>
<td>Costs</td>
<td>€20,570 (1)</td>
<td>€618,941.22 (8)</td>
<td>€605.00 (1)</td>
</tr>
<tr>
<td>Total</td>
<td>58,070.00</td>
<td>635,305.22</td>
<td>605.00</td>
</tr>
</tbody>
</table>

The number of cases in which awards were made by the courts and the number of cases which were settled out of court are shown in brackets in each case.

**Children Act 2001.**

45. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform his plans fully to implement the Children Act 2001; and if he will make a statement on the matter. [16184/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will appreciate that the Children Act 2001 is very complex and comprehensive legislation and, for those reasons, provisions under the Act are being implemented on a phased basis, as was envisaged at the time of enactment.

Responsibility for implementing the Children Act 2001 lies with three Departments, the Departments of Justice, Equality and Law Reform and Education and Science mainly in respect of juvenile offending, and Health and Children mainly in respect of children who are non-offending but out of control. The National Children’s Office is co-ordinating the cross departmental aspects of the implementation of the Act.

Three main areas of the Act for which I have responsibility remain to be brought into operation. These concern the age of criminal responsibility, community-based options and the provision of children detention centres for 16 and 17 year old offenders.

The first commencement order under the Act in respect of my Department was signed by my predecessor on 23 April, 2002. This order, which came into force on 1 May 2002, brought into operation a wide range of provisions including: Part IV — diversion programmes, including
the Garda restorative justice provisions; most of Part VI — treatment of child suspects in Garda stations; Part VII — children's court; and Part XII — child protection measures. Among the other provisions brought into operation on 1 May 2002, were: the payment of compensation by parents in respect of offences committed by their children — section 113 of the Act; a court order which would require parents to exercise proper and adequate control over their children — section 114 of the Act; and restriction on movement order.

I signed the second commencement order under the Act on 29 July 2004. This order brought into operation the remaining restorative justice provisions. Restorative justice is a philosophical framework, which considers the ways in which crime harms relationships in the context of the community. It is a way of dealing with victims and offenders by focusing on the settlement of conflicts arising from crime and resolving the underlying problems which cause it.

The family conference which was placed on a statutory basis on 29 July 2004 is convened by the Probation and Welfare Service and the convening of the conference is directed by the court where it considers that the preparation of an action plan would be desirable in an individual case.

A pilot programme for the mentor, family support, order is due to commence shortly. Pilot programmes of parental supervision orders are also being developed and are expected to be introduced later this year.

Under the Children Act, I, as Minister for Justice, Equality and Law Reform, will be obliged to provide separate detention facilities for 16 and 17 year old boys and girls who are committed to custody by the courts either on remand or under sentence. The provision of appropriate custodial facilities is a priority for the Irish Prison Service. The primary objective of these detention centres will be to provide a secure but supportive environment in which young offenders can develop the personal and social skills necessary to avoid future offending.

Garda Deployment.

46. Mr. Boyle asked the Minister for Justice, Equality and Law Reform the number of community guards in place in each of the past five years for which figures are available; and if he will make a statement on the matter. [16182/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information sought by the Deputies has been requested from the Garda authorities and will be forwarded to him as soon as it becomes available.

Asylum Support Services.

47. Mr. Stanton asked the Minister for Justice, Equality and Law Reform if his Department has carried out its own review of the living conditions and health of asylum seekers in accommodation across Ireland since their introduction in 2000; the findings of such reviews; if his Department is satisfied with the living conditions and health of asylum seekers in accommodation centres; when his Department intends to carry out the next review; and if he will make a statement on the matter. [16167/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since direct provision was introduced, the Reception and Integration Agency, RIA, has provided accommodation for more than 38,000 asylum seekers. The RIA currently operates four main reception centres, with capacity for 731 persons, in the Dublin area and 67 direct provision accommodation centres in 25 counties with capacity for 6,589 persons. In addition, the RIA operates 12 self-catering centres with a capacity for 950, to cater for asylum seekers who because of exceptional medical or social circumstances cannot have their needs met in direct provision or who have spent more than two years in direct provision.

In all accommodation centres that house asylum seekers, contractors are obliged, on foot of a memorandum of agreement with the RIA, to ensure that their premises comply with and operate in accordance with all relevant statutory requirements of local authorities in regard to planning, building, by-laws, bedroom capacity, food, food hygiene, water supply, sewage disposal, fire precautions and general safety including: European Communities (Hygiene of Foodstuffs) Regulations 2000; European Communities (Official Control of Foodstuffs) Regulations 1998; Fire Services Act 1981; Food Hygiene Regulations 1950-1989; Health, Safety and Welfare at Work Act 1989; Housing Acts 1966 to 2002; Planning and Development Act 2000 and the Planning and Development (Amendment) Act 2002; Drinking Water Regulations 1988; Employment Permit Act 2003; Tourist Traffic Acts 1939-1995, any statutory modification or re-enactment of same; and any other relevant Act or regulations as may be notified by the Minister to the proprietor or contractor.

The memorandum of agreement places other obligations on the contractor in relation to reception, management and staff issues, menus and food for infants and school-going children, maintenance of the property and fire and safety standards.

In circumstances where asylum seeker parents and their children are accommodated in centres operating under the aegis of the RIA, particular emphasis is placed on meeting their needs. It is the policy of the RIA that cots are provided in each reception and accommodation centre where infants are accommodated and that toilet and bathroom facilities are provided in accordance with relevant statutory requirements. In this regard, the memoranda of agreement stipulate that, at a minimum, in addition to cots, the following should be available: infant formula; infant food; access to fresh water — for the preparation
of infant formula; sterilisers — sufficient for the number of infant children; kettles — for boiling water; fridges — for infant formula bottles; and microwave-bottle warmers.

The RIA has secured the secondment of a director of child and family services from the Health Services Executive to examine, *inter alia*, the current services provided to families and children and to make recommendations as to how they can be further developed in keeping with the requirements of the national children’s strategy and the UN Convention on the Rights of the Child.

The director of child and family services will also work with appropriate health agencies in developing strategies to further develop the nutritional standards in respect of food provided to infants and children in centres operated by RIA and in developing support mechanisms for aged out unaccompanied minors after transition into direct provision. In addition, she will liaise with schools and other service providers so as to ensure that their needs are met to the greatest extent possible.

It is the policy of the RIA to conduct regular comprehensive inspections of properties used to house asylum seekers. These inspections are carried out internally by RIA staff and externally by an independent company who have stated experience in hazard and critical control point, HACCP, analysis and fire safety. In addition, all premises are subject to inspection by the local environmental health officer and fire officer. Any breach of standards is viewed very seriously by RIA and major breaches have led in the past of the closure of centres.

Asylum seekers have access to health services on the same basis as the indigenous population and the provision of health services is a matter, in the first instance, for the Department of Health and Children and the Health Services Executive.

Health screening continues to be available in Dublin reception centres to all asylum seekers on a voluntary and strictly confidential basis. They are advised of this immediately on arrival. Screening covers hepatitis, TB, HIV, immunisation status and any other ailments or conditions which the medical officers feel need further investigation and-or treatment. All asylum seeker women attending maternity hospitals throughout Ireland are screened as part of their ante-natal care.

In addition, the psychology department, based at St. Brendan’s Hospital, Dublin and funded by the HSE northern region, provides an outreach service at each of the centres within the catchment area of what was previously the Eastern Regional Health Authority area.

GP services are also provided on site at the Dublin reception centres which facilitates the referral onward of persons who may require specialist services, for example, psychiatric services.

An ante-natal outreach clinic, funded by the HSE northern region with staff provided from the Rotunda Hospital, began operating in Balsekin Reception Centre in November 2002. The outreach clinic submitted an application for the Derek Dockery Award, which was instituted in 2003 in memory of the contribution to the health services of the late Derek Dockery who worked in the health service. Thirty nine applications were received from across the HSE, previously ERHA region, under four categories — community based initiatives, health facilities based initiatives, equality promoting initiatives and initiatives in management. The outreach clinic won both the award in the category “General Innovations in the Community to Promote Principles of the Health Strategy” and also the overall award.

Arising from discussions held by a multi-agency group, established by the Northern Area Health Board, now the HSE, which included representatives from Spiritan Asylum Seeker Initiative, SPIRASI, a non-governmental organisation, and the RIA, one of the principal needs identified was the lack of accurate and comprehensive information on health services for newly arrived asylum seekers.

A steering committee, comprising the stakeholders listed, was formed to oversee the establishment and management of a peer-led health information programme located at SPIRASI. It was felt the programme would be most effective if delivered by suitably qualified personnel who, ideally, had first hand experience of the asylum and refugee process.

The programme is available to all newly arrived asylum seekers in Dublin. It provides them with a detailed description of the health services in Ireland, the availability of services and how they may be accessed. This programme covers such diverse areas as maternity, GP, health screening, mental health and community welfare services.

The programme was entered into competition for an Irish Healthcare Pharmaceutical Award in 2004 which recognises innovation and excellence in Irish health care, emphasising the partnership between health care professionals and the pharmaceutical industry. The project received a commendation under the “Best Patient or Public Education Project (Non-Pharmaceutical)” category.

In addition to working with specific cases, the agency also works closely with health service providers and non-governmental organisations to promote awareness of health service needs of asylum seekers. In this regard, the RIA commissioned a report in 2004 on the use of interpreter services in a health service context. A copy of the report was sent to the Department of Health and Children and I understand that, on foot of the report, additional funding for interpreter services was made available this year to the HSE.
The RIA has also worked closely with the HSE and the Department of Health and Children in developing infant feeding guidelines for asylum seeker infants in direct provision. These guidelines are due to be launched later this year.

A one day seminar was hosted by RIA in January 2005 entitled “Mental Health Services for Asylum Seekers and Refugees”. The seminar was attended by service providers, NGO representatives together with RIA and Department of Health and Children representatives. A report on the proceedings of the day is due to be circulated shortly to all attendees and a copy will be forwarded to the Department of Health and Children and the HSE for consideration as part of the overall review of mental health services currently under way.

As part of an initiative led by the Department of Health and Children, the RIA was represented earlier this year at a seminar on health impact assessment. This assessment programme recognises the impact on health of policies and programmes in areas other than the health sector. Further work will be done within my Department and its agencies in the coming months in consultation with the Department of Health and Children and the Institute of Public Health to develop specific health impact assessment programmes in each area.

Over the past four years, the RIA has facilitated the development, throughout the country, of an extensive network of support groups for asylum seekers in direct provision. These voluntary groups are involved in a range of activities to befriend asylum seekers, to assist them to settle into local communities and to promote intercultural activities between the asylum seekers and the local community. Partial funding for projects carried out by these groups is available from a small grants scheme. A total of €170,000 was made available under this scheme in 2004, benefiting more than 60 projects. A total of €140,000 was made available under this scheme in 2003, benefiting more than 60 projects. Grants for 2005 are currently being processed.

I am satisfied that the system of direct provision and dispersal operated by the State is a fair and humane way of meeting the accommodation and ancillary needs of asylum seekers. It is at least on a par with best practice in other EU states and the Government has no plans at this point in time to change the system.

Garda Divisional Structures.

48. Ms C. Murphy asked the Minister for Justice, Equality and Law Reform if he intends to redraw Garda divisions as they relate to north Kildare. [15999/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that there are currently no plans to alter Garda divisional structures as they relate to north Kildare.

The Deputy will, however, be aware that in October 2004 the Government approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with a commitment in An Agreed Programme for Government in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources, and this context the needs of the north Kildare area will be fully considered within the context of the needs of Garda divisions throughout the country.

Sex Offender Treatment Programme.

49. Mr. Stagg asked the Minister for Justice, Equality and Law Reform his views on the recent report submitted to his Department suggesting that sex offenders should be given special privileges in jail, including early release, temporary release and transfer to open prisons if they agree to participate in treatment programmes; and if he will make a statement on the matter. [16160/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The report referred to, namely, An Independent Evaluation of the Irish Prison Service Sexual Offender Intervention Programme, was commissioned and funded by my Department. It provides a scientific evaluation of the Irish Prison Service sex offender programme. The report found that the sex offender programme complied with the highest international standards of programme delivery and that the programme achieved significant positive changes in the psychological risk factors for sex offending in men who had successfully completed the programme.

The report makes a number of recommendations as to how the programme can be further developed and enhanced which are currently being examined by the Irish Prison Service and will contribute to future development of the current sex offender programme. The complex and technical nature of this circa 500 page report requires a great deal of care and comprehensive examination by the Irish Prison Service given the issues involved and the imperative to ensure public safety.

Prison Officers Dispute.

50. Mr. Penrose asked the Minister for Justice, Equality and Law Reform if he will reopen discussions with the Irish Prison Officers’ Association in regard to the dispute on overtime working, especially in view of the offer made by the IPOA at its recent conference, and if he will make a statement on the matter. [16140/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have no intention of renego-
[Mr. McDowell.]

Initiating the proposal for organisational change which has already been arbitrated upon by the Civil Service Arbitration Board.

Since I took office in 2002, I have allowed ample space and time for a mutually acceptable negotiated settlement to be reached between the Irish Prison Service and the Prison Officers' Association. Following on the rejection of an earlier offer in October 2003, I agreed to use the full range of industrial relations machinery available in the State including the conciliation services of the Labour Relations Commission and the ultimate arbitration facilities of the Civil Service Arbitration Board. That process continued over a 16 month period and involved long and painstaking negotiations. Compromises were made on both sides and a set of mutually acceptable arrangements in the form of the Proposal for Organisational Change in the Prison Service eventually emerged. These arrangements included a substantial arbitration award recommendation. Despite reservations which I held about the deal, which were shared by the Minister for Finance and the rest of my colleagues in Government, I nevertheless accepted that the overall package represented a workable way forward for the future. The Prison Officers' Association, for its part, strongly endorsed the deal and recommended to the membership that it be accepted. The association sought the space and time to explain the deal to staff without any interference from the management side. Management accepted the best industrial relations advice in the matter and left the field clear for the association to explain the deal to staff over a number of weeks. Despite this level of consensus, prison officers opted to reject the deal by a very substantial margin.

I met the Prison Officers' Association at its request following the ballot result and I made my position abundantly clear. I told the national officers of the POA that I was not in the business of renegotiating the proposal for organisational change which had already been arbitrated upon by the Civil Service Arbitration Board. I made it clear that I was not prepared to compromise the integrity of the whole industrial relations process which had served the state so well and must continue to serve our public services into the future.

When I met the association, I was informed that it would review its position following the rejection of the ballot at its annual delegate conference on 5 and 6 May. I understand from media reports that the association may have a proposal to make on the proposed method of allocation of additional hours to staff and that a cost neutral reallocation of the additional hours available under the deal might provide a solution. I am not convinced by the arguments I have heard to date in this context. However, I remain open to considering any detailed written proposals which the staff side may wish to put forward but I must repeat that I will not compromise the integrity of the national and public service industrial relations machinery by renegotiating this deal for change. Whatever proposals may be put forward by the POA, they must not upset the delicate balance achieved between the negotiated and arbitrated elements of the deal. In the meantime, I intend to press ahead with the alternative measures I have outlined in the House in recent weeks.

I have given more than enough time for a negotiated resolution of the overtime problem. At this point, the public expects me to act decisively to deal with the problem and, as I see it, I have no alternative but to do so.

Security Industry.

51. Ms Burton asked the Minister for Justice, Equality and Law Reform the position in regard to a proposed code of practice for the private security sector; when the code will be finalised; and if he will make a statement on the matter.

[16116/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The draft voluntary code of practice on the movement of cash in Ireland sets out the agreed principles for major cash movements in this country. The objectives of the code are to encourage the highest standards of operation and to implement integrated end-to-end solutions to create safe, secure and efficient cash handling.

The forum that is meeting regularly to develop the code is made up of stakeholders from: the Garda Síochána; the Central Bank; the Irish Bankers Federation; AIB; Bank of Ireland; Permanent TSB; Ulster Bank; National Irish Bank; Securicor; and Brinks Allied.

On 31 March, I met the forum following a number of cash in transit robberies this year. I explained that the Government had a duty to ensure that all that could be done was being done to ensure the safety of security workers and the general public. I gave the forum 120 days from that date to agree and start implementing a voluntary code of practice. If they did not succeed, I would have no choice but to introduce legislation on the standards required for the movement of cash.

The forum met again on 11 April and did not reach agreement. Following that meeting, I wrote to the chairmen and governors of the banks expressing my disappointment with the lack of progress and asked for their support in reaching an agreement. The forum met again on 6 May. My officials have attended these meetings as observers and have now informed me that it is expected the code of practice will be agreed within the next month.

Once the code is agreed, I hope other financial institutions and cash-in-transit companies will sign up to the code and voluntarily agree to operate to the same high standards.

52. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform the matters discussed
and conclusions reached at his meeting with representatives of SIPTU regarding the provision of increased Garda back-up for consignments of cash in transit, in view on the number of robberies and the cases in which the lives of security workers have been threatened or put at risk; and if he will make a statement on the matter.  
[16118/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 25 April 2005 I met with the SIPTU General President and SIPTU representatives from a number of the cash in transit companies. I informed them that I wanted to ensure that proper procedures and standards are in place to combat the threat to security employees, their families and the general public. Measures would have to be taken to ensure that the highest standards would be met in cash escorts and cash holding centres. I indicated my preference that there would be voluntary agreement on a code of practice that would see the industry operating to the highest international standards.

To this end I informed them that a forum comprising representatives of the main banks, the Central Bank, the major cash in transit service providers and the Garda Síochána have been considering a draft code of practice since November 2004. The objective of the code is to encourage the highest professional standards of cash in transit operations using integrated end to end solutions to create safe, secure and efficient cash handling. I indicated at the meeting that if such an agreement cannot be adopted voluntarily by the end of July I would have no choice but to regulate to ensure that standards are raised. However, my preference remains that key players, acting in partnership, voluntarily agree to act in the interests of their industry, their employees and the general public. Voluntary completion of the work already in hand would be the fastest way of improving standards for cash movements. Agreement, if and when achieved, will represent the first time the main stakeholders commit to operating to agreed standards of procedure and equipment. It will provide for an environment of safety and security and could eventually be adopted as a mandatory code.

At the conclusion of the meeting SIPTU expressed their appreciation for my actions in addressing the concerns of their members.

Prison Building Programme.

53. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform the reason adequate time was not given to assessing all aspects of the land chosen for the new Mountjoy prison at Thornton Hall, including the potential heritage impact and the infrastructural deficiencies; and the further reason there was such unseemly haste in completing contracts of a vastly inflated price on the farm in question.  
[16192/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The procedures followed for the selection and purchase of the site at Thornton are the subject of proceedings before the High Court and the Deputy will appreciate that care must be taken to avoid prejudicing those proceedings. Nevertheless, the committee, which recommended purchase of the site at Thornton, gave full consideration to all potential sites brought to its attention, including the site at Thornton.

The availability of the site at Thornton was made known to the Irish Prison Service in December 2004. It was the subject of a physical inspection by staff of the Irish Prison Service, aerial photographs of the site were taken, an engineering, planning and technical survey was carried out and a check was made for listed sites and monuments.

Subsequent to this and informed by the preliminary work just referred to, the selection committee, comprising representatives from the Department, the Irish Prison Service and a commissioner from the Office of Public Works, assessed the site on 18 January 2005 using the marking matrix applied to other sites. On the basis of these objective criteria, the committee then recommended purchase of the site at Thornton. A contract to purchase the site was entered into on 26 January 2005.

The infrastructural needs of the site were addressed in the engineering, planning and technical survey and were considered by the selection committee. No presence of any architectural or archaeological feature with implications for the construction of a prison facility on the site has been identified.

As regards price, I would point out that an open, transparent and objective public procurement procedure was utilised. Advertisements were placed in the major newspapers inviting any person with suitable land in the greater Dublin area to contact the Irish Prison Service. More than 30 sites were put forward and assessed. The average asking price was €200,000 per acre but some owners sought as much as €500,000 per acre.

The site at Thornton, which is costing €29.9 million for 150 acres, was the least expensive suitable site considered by the selection committee.

The redevelopment of a prison complex on the Mountjoy site would cost in excess of €400 million. The purchase of the Thornton site provides a 150 acre site for the location of a modern campus to provide humane rehabilitative prison conditions at a considerably lower cost as well as allowing the full value of the 20 acre Mountjoy site to be realised.

Maternity Leave Provisions.

54. Mr. Morgan asked the Minister for Justice, Equality and Law Reform if he will introduce legislation to increase maternity leave entitlements in the State to 26 weeks paid and 26 weeks unpaid leave in view of the severe difficulties
Minister for Justice, Equality and Law Reform (Mr. McDowell): A review of the maternity protection legislation was carried out in 2000 by a working group, chaired by my Department, which comprised the social partners and relevant Departments and agencies. The working group recommended an increase in the maternity leave entitlement, which attracts a payment from the Department of Social and Family Affairs, from 14 weeks to 18 weeks and an increase in the unpaid additional maternity leave entitlement from four weeks to eight weeks. These increases were implemented in March 2001 shortly after the group completed its deliberations.

The Maternity Protection (Amendment) Act 2004, which was commenced on 18 October 2004, implemented a range of improvements in the maternity rights of working women but made no provision for a further extension of the maternity leave periods beyond the improvements already implemented and agreed with the social partners. The Government has no plans at present to introduce any further increases to the duration of maternity leave.

This Government has worked actively over the past eight years to increase the supply and quality of child care places to meet the needs of working parents. It has provided more than €499 million in funding for this purpose under the national development plan and the Equal Opportunities Childcare Programme 2000-2006, which aimed to increase the supply of centre based child care places by 55% or about 31,000 additional centre based child care places by programme end. The programme is now expected to deliver at least 36,000 new places making a much wider choice of centre based child care available to parents across Ireland. By the end of 2004 more than 24,600 of these new child care places were already in place. The programme also aims to provide support and assistance to the many childminders who are providing a child care service in their own homes and promotes quality enhancement for the broad child care sector.

Family Law Legislation.

55. Mr. Wall asked the Minister for Justice, Equality and Law Reform the implications for divorce law here of the recent EU Green Paper on divorce; and if he will make a statement on the matter. [16162/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Questions Nos. 188 to 191, inclusive, on 12 May 2005.

Decentralisation Programme.

56. Mr. Healy asked the Minister for Justice, Equality and Law Reform the position regarding decentralisation of sections of the Department of Justice, Equality and Law Reform to Tipperary town; the position regarding site acquisition; the number and category of staff involved and the number and category of staff who have applied to transfer to Tipperary town through the central applications facility; when the spring report of the decentralisation committee will be published; the timescale for the transfer to Tipperary town; and if he will make a statement on the matter. [13467/05]

71. Mr. Healy asked the Minister for Justice, Equality and Law Reform the position regarding the decentralisation of sections of the Department of Justice, Equality and Law Reform to Tipperary town; the position regarding site acquisition; the number and categories of staff involved; the number and category of staff who have applied to transfer to Tipperary town through the central applications facility; when the spring report of the decentralisation committee will be published; and the timescale for the transfer to Tipperary town. [13192/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 56 and 71 together.

An implementation plan in respect of the decentralisation of certain asylum and immigration functions was prepared last year and is available on my Department’s website.

A number of sites in Tipperary town are being considered by the Office of Public Works and the acquisition process is at an advanced stage. Any final agreement will depend on a number of factors including acceptable terms, zoning and compliance with the Office of Public Works technical requirements.

A total of 104 staff, ranging from the level of principal officer to service officer, have applied through the central applications facility to transfer to my Department’s office in Tipperary.

The date of publication of the next report of the Decentralisation Implementation Group is a matter for the Decentralisation Implementation Group.

As regards the timescale for the completion of the Tipperary decentralisation project, my Department is continuing to maintain momentum with the implementation of this decision as it is with implementing its overall decentralisation programme.

Garda Systems.

57. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform the stage of development of the technology required to ensure the full implementation of all existing Road Traffic Acts; when such technology will be fully operational; and if he will make a statement on the matter. [15499/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The fixed charge processing system, FCPS, is the Garda IT system for processing fixed charge road traffic offences includ-
ing the requirements for the penalty points system.

The FCPS is currently operational in the Dublin metropolitan region, Cork city and parts of Louth and Meath. Accordingly, the Garda Síochána exchange information with the following organisations: the Courts Service for summons applications and court hearing dates; the Department of the Environment, Heritage and Local Government for the national driver file and the national vehicle file; a third party service provider for the printing and posting of fixed charge notices; and a third party service provider engaged by the Department of Transport, for details of fixed charges that have been paid, who in turn forward this information to the Department of the Environment, Heritage and Local Government for updating the national driver file with the penalty points data.

The system will be extended nationwide in conjunction with the commencement of a fixed charge payment collection service by An Post. This is currently subject to finalisation of contract negotiations between my Department and An Post and subject to successful conclusion, it is planned to commence operation towards the end of July. This will increase the automation of processes with the various agencies.

Towards the end of this year it is planned to co-ordinate the summons generated from the FCPS with summons for the same individual generated from PULSE and this will be of further benefit to the Courts Service.

With regard to the commencement of further penalty point offences, this is a matter for my colleague, the Minister for Transport. The FCPS system can accommodate these offences as they are commenced.

**Garda Strength.**

58. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform the number of gardaí at the latest date for which figures are available; the number expected to be recruited during 2005; the number of recruits who have graduated from the Garda Training College as full Garda members since 6 June 2002; the number of gardaí who have retired, resigned or otherwise left the force since 6 June 2002; and if he will make a statement on the matter. [16119/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána as of 12 May 2005 was 12,257, all ranks.

It is proposed to induct approximately 1,100 Garda students to the Garda college in 2005, consisting of four intakes of approximately 275 students. The first of these four intakes, 275, commenced training on 7 February 2005. The second of these four intakes, 275, commenced training on 3 May 2005. The remaining two intakes are scheduled to commence training on 2 August 2005 and 7 November 2005 respectively.

I am further advised that between 6 June 2002 and 12 May 2005: 1,570 members have graduated from the Garda college; a total of 1,271 members, all ranks, have resigned, retired or otherwise left the Garda Síochána; and a total of 1,881 members have been attested to the Garda Síochána.

**Prison Reports.**

59. Ms O'Sullivan asked the Minister for Justice, Equality and Law Reform his views on the recent report of the Inspector of Prisons on St. Patrick’s Institution; and if he will make a statement on the matter. [16138/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I welcome the inspector’s comprehensive report on St. Patrick’s Institution and I concur entirely with the report’s principal finding that, despite the best efforts of many people, there is an urgent need to replace that institution with a modern facility which will have the range and level of services required to meet the needs of young people in custody. That is why I am determined to press ahead as quickly as possible with the provision of new modern custodial accommodation on a site at Thornton, County Dublin to replace all the outdated institutions on the existing Mountjoy complex, including St. Patrick’s Institution.

The intention is that 16 and 17 year old boys detained in St. Patrick’s Institution will, in future, be accommodated in a stand-alone facility, which will cater exclusively for this age group. I have asked the director general of the Irish Prison Service to consider how best to meet the custodial needs of the older inmates of St. Patrick’s Institution — 18 to 21 year olds — in the context of development of the Thornton site.

There are three matters raised in the inspector’s report which I wish to address specifically. First, the closure of the two workshops, woodworking and metalwork, at St. Patrick’s Institution is indeed regrettable but it has to be said that, between them, those workshops accommodated only 12 boys whereas, following renovation, the workshops will provide training in computer, painting and decorating skills for a total of 22 boys. It was hoped to have the workshops back in operation by now but this has not been possible because of the rejection by the Prison Officers’ Association of the proposal for organisational change in the Irish Prison Service.

Second, it is not the case that taxpayers’ money has been squandered in the works that were undertaken initially to adapt part of St. Patrick’s Institution as a special facility for 14 and 15 year old children. Those works involved complete refurbishment of all three levels of the ‘B’ wing of the institution, the provision of new classrooms, renovation of the recreation yard and the provision of new administration facilities. All of these facilities are fully in use other than the new classrooms, which will come into operation as
soon as agreement is reached on staffing arrangements with the Prison Officers’ Association. While the decision has been made to replace St. Patrick’s Institution with modern accommodation on the new site at Thornton, I am satisfied that, pending its replacement, very many young people are benefiting and will continue to benefit from the improvements made.

Third, I am most concerned at the allegations of bullying and harassment of inmates at St. Patrick’s Institution as I take very seriously the responsibility to ensure safe custody and care of all young people detained there. When the bullying problem was brought to my attention prior to the inspector’s visit, I established that much of the problem stems from inmates who bully others in their efforts to get illicit drugs into the institution. A number of measures have been taken to counter the drugs problem, including the introduction of new visiting arrangements and provision of closer-weave netting over the recreation yard. The Governor has given an assurance that each and every specific allegation of bullying which is made to him will be fully investigated.


60. Mr. O’Shea asked the Minister for Justice, Equality and Law Reform when it is intended to publish the third report of the international monitoring committee, which he received on 27 April 2005; the main findings of the report; and if he will make a statement on the matter. [16135/05]

   Minister for Justice, Equality and Law Reform (Mr. McDowell): The fifth report of the independent monitoring commission will come before the Government tomorrow.

   It is the intention of both the UK and Irish Governments to publish the report very shortly. I will arrange to have the report laid before the Houses of the Oireachtas prior to publication, pursuant to section 10 of the Independent Monitoring Commission Act 2003. Until the report has been published, I will reserve further comment.

Garda Personnel.

61. Mr. S. Ryan asked the Minister for Justice, Equality and Law Reform the number of juvenile liaison officers in the Garda at the latest date for which figures are available; his plans to extend the scheme; and if he will make a statement on the matter. [16148/05]

   Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to oral Question No. 15 of today’s date.

   Question No. 62 answered with Question No. 26.

Garda Investigations.

63. Mr. Rabbitte asked the Minister for Justice, Equality and Law Reform if an outside counsel has been appointed to examine the papers in the Grangegorman murder case with a view to determining the way in which a person (details supplied) came to make a confession to these crimes while in Garda custody; if the terms of reference for the review have been finalised; when the process will be finalised; and if he will make a statement on the matter. [16151/05]

   Minister for Justice, Equality and Law Reform (Mr. McDowell): I have approached a leading senior counsel to examine the Garda papers on the investigation of the Grangegorman murders of 6-7 March 1997 with a view to examining how Mr. Dean Lyons came to make a confession to a crime he did not commit, the lessons that can be learned from that occurrence in an effort to ensure that anything similar does not happen again in the future and what further steps might be taken.

   I am currently in discussion with the senior counsel on the terms of reference for this examination. I expect the discussions to be completed shortly.

   Question No. 64 answered with Question No. 42.

Money Laundering Offences.

65. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the extent to which extortion, racketeering, threatening of witnesses and money laundering has been established; if adequate resources are available to the Garda to deal with the problem; and if he will make a statement on the matter. [16171/05]

   Minister for Justice, Equality and Law Reform (Mr. McDowell): The offence of money laundering was created by the Criminal Justice Act 1994, as amended, and is now well established. A feature of the anti-money laundering regime in this jurisdiction is the obligation on designated bodies to report suspicious transactions to the Garda Síochána and the Revenue Commissioners. Designated bodies include a wide range of financial institutions, solicitors, accountants, auctioneers, estate agents, tax advisers, auditors and dealers in high value goods. The anti-money laundering provisions in Irish law conform to EU directives in this area.

   I am informed by the Garda authorities that the number of suspicious transaction reports, STRs, received at the money laundering investigation unit of the Garda Bureau of Fraud Investigation pursuant to section 57 of the Criminal Justice Act 1994 continues to increase. A total of 5,491 such reports were received in 2004. I am further informed that all STRs are investigated in full in order to ascertain if the subjects or funds have any links with criminal activity. Moreover, where appropriate, STR investigations are referred to the Criminal Assets Bureau.

   The Garda Síochána has a dedicated unit within the National Bureau of Criminal Investigation which targets persons suspected of
involvement in racketeering, particularly the production and sale of counterfeit products. I am informed by the Garda authorities that in 2004 counterfeit goods, mainly CD's and DVDs, to the value of €7 million were seized in ongoing searches throughout this jurisdiction.

The Garda Síochána is aware of the potential for threats to and intimidation of witnesses, particularly in prosecutions against serious criminal gangs. Such threats when reported are investigated fully and every possible protection is afforded to such witnesses. Relevant provisions of the Criminal Justice Act 1999 have greatly enhanced the effectiveness of the Garda Síochána in dealing with this type of criminality.

The allocation of resources to counter serious crime is kept under continuous review by the Garda Commissioner. For example, reviews are ongoing in the context of the additional resources coming on stream in the context of the Government’s decision to increase the overall strength of the Garda Síochána to 14,000.

Security Industry.

66. Ms Burton asked the Minister for Justice, Equality and Law Reform the position with regard to the operation of the Private Security Authority; the number of staff recruited by the authority; the services it is offering; the powers under the Private Security Services Act 2004 that it is implementing; and if he will make a statement on the matter. [16117/05]

Minister for Justice, Equality and Law Reform
(Mr. McDowell): I refer the Deputy to my reply to Question No. 124 of 12 April 2005. The position remains unchanged.

Child Care Services.

67. Mr. G. Murphy asked the Minister for Justice, Equality and Law Reform his views on whether community and child care facilities will require funding on a continuous basis, in view of his recent announcement to extend staffing grants to December 2007. [16195/05]

68. Mr. G. Murphy asked the Minister for Justice, Equality and Law Reform if he will commence a process of consultation with community child care providers to ensure that a plan is in place well in advance of the December 2007 deadline when the current round of funding will run out. [16194/05]

Minister for Justice, Equality and Law Reform
(Mr. McDowell): I propose to take Questions Nos. 67 and 68 together.

The Equal Opportunities Childcare Programme, EOCP, 2000-2006 is a central pillar in the Government’s child care strategy and is intended to increase the availability and quality of child care supports for parents in employment, education or training. The programme is funded by the Exchequer and the European Union Struc-
issue of the quarterly national household survey shows a female labour force participation rate of 50.8% in the final quarter of 2004. This represents a significant increase on the 1997 female participation rate which was 45.8%. In absolute terms, the number of women workers has increased from 587,000 in 1997, to 801,700 in the last quarter of 2004, an increase of 36.8%.

Also noteworthy is the significant increase in part-time employment among women. In the period 1997 to end-2004, the numbers of women working part-time grew from 182,100 to 251,900, an increase of 38.3%. Again, it is noteworthy that while 13,000 part-time female workers deemed themselves to be underemployed in 1997, only 1,900 so deemed themselves in 2004. This suggests that many women prefer part-time to full-time employment, as a way of achieving a good work-life balance.

This evidence is not offered to underplay the important role that child care plays in supporting working parents and especially working mothers. This Government has worked actively over the past seven years to increase investment in child care in Ireland from a benchmark of approximately €1 million per annum in the mid 1990s to almost €500 million for the seven year Equal Opportunities Childcare Programme 2000-2006, EOCP, which is increasing the supply of child care places and making available child care places at reduced cost for disadvantaged parents through the provision of staffing grant assistance to community based not for profit child care groups which support disadvantaged parents.

Since its inception in 2000, the funding for the programme has increased from €318 million to €499.3 million or by 57%, the most recent increase being €50 million in budget 2005. The EOCP is implementing the national child care strategy and aimed to increase the supply of centre-based child care places by 55%, some 31,372 places, by programme end. However, I am pleased to report that total funding committed under the EOCP to date is projected to create some 36,000 new child care places, increasing the choice of centre-based child care available to parents across Ireland. By the end of December 2004, some 24,600 of the new child care places were already in place as a result of the EOCP expenditure to date. In addition, over 30,200 existing places have received capital or are receiving ongoing current support under the programme.

The EOCP also aims to provide support and assistance to the many childminders who are providing a child care service across the country, as a childminder is the chosen child care option of many parents. The programme also encompasses many other quality initiatives which were identified in the child care strategy, and aims to ensure that there is co-ordination in the delivery of child care services nationwide. The measures outlined relate to the supply of quality child care, but I would also draw the Deputy’s attention to Government policy in the area of child benefit which assists all the parents of Ireland in the care of their children. Child benefit is the main fiscal instrument through which support is provided to parents with dependent children.

In the 2005 budget, child benefit was increased by €10 to €141.60 per month, per child, for the first two children and by €12 to €177.30 per month for the third and each subsequent child, from April 2005. Effectively since 1997, child benefit has almost quadrupled. This clearly indicates Government’s commitment to assisting all parents in relation to the care of their children irrespective of income and employment status. It is noteworthy that the cost of child benefit now exceeds €1.9 billion per year.

I am very pleased to read the CSO figures on the increase in female labour force participation as this is a key aim of the funding provided through the Equal Opportunities Childcare Programme and I know that the success of the programme contributes to the ongoing success of our economy. This Government remains firmly committed to supporting working parents with their child care needs through increased child care provision in terms of capacity, choice and service quality.

**Public Order Offences.**

70. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform the reason measures to deal with anti-social behaviour have not been introduced by him. [16191/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my answer to Question No. 22 of today’s date.

**Question No. 71 answered with Question No. 56.**

**Sexual Offences.**

72. Ms Shortall asked the Minister for Justice, Equality and Law Reform his views on the low level of detections and convictions secured in respect of rape cases; the steps he intends to take to achieve a higher level of detection and convictions in such cases; and if he will make a statement on the matter. [16157/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** While I have always urged caution in the interpretation of short term statistics, I was pleased to note decreases in aggravated sexual assault, sexual assault, the largest category of sexual offences, rape of a female and unlawful carnal knowledge in the provisional headline crime figures for the quarter ending 31 March 2005 compared with the corresponding quarter last year. I was concerned, however, to see a recorded increase in the number of cases of rape section 4.

The Garda Síochána actively encourages people who are the victims of a sexual crime to report the offence to them. With regard to the
number of detections, I can assure the Deputy that any incident of rape or sexual assault reported to the Garda Síochána is fully investigated, as much evidence as possible is gathered and, subsequently, a file is forwarded to the Director of Public Prosecutions for a direction as to whether a prosecution should proceed or not. As the Deputy is aware, the Director of Public Prosecutions is statutorily independent in the performance of his function, and it would, therefore, be inappropriate for me to comment on his decisions.

I have outlined to the House on a number of occasions that there is a high attrition rate in rape cases in Ireland, and a large number of cases reported to the Garda do not reach prosecution stage for a variety of reasons. My Department has approved joint funding for comprehensive research into attrition rates in rape cases. The research, which is entitled, The Understanding of Attrition, Early Withdrawal, the Trial Process and Identifying Possible Changes to Support Complainants in Rape Cases, is being carried out by the department of law at the National University of Ireland, Galway and the Rape Crisis Network Ireland. It is being conducted over three years and is expected to be completed in 2007 or 2008.

This research should provide a greater understanding as to why some victims choose not to report cases to the Garda, what can be done about under-reporting and why, of the cases that are reported, only a relatively small percentage result in a court hearing. It is important to note that, with regard to conviction rates, judges are independent in the exercise of their judicial functions and subject only to the Constitution and the law. It would therefore be inappropriate for me to comment on their decisions. Following completion of this research, action will, as appropriate, be taken to resolve any issue that may arise.

Appointments to State Boards.

73. Dr. Upton asked the Minister for Justice, Equality and Law Reform the manner in which it is intended to monitor and ensure enforcement of the recent announcement regarding equal gender representation on State boards; and if he will make a statement on the matter. [16165/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In July 2002, the then Minister of State, Deputy Willie O’Dea, wrote to all Ministers requesting them to review the gender balance on the State boards and committees under the aegis of their Departments and to take measures to redress gender imbalances, where the 40% target has not yet been reached. The Minister of State also advised Ministers that, to ensure progress, it was intended to bring a six monthly report to Cabinet on the gender composition of boards for each Department.

Since commencement of the policy of reporting on a six monthly basis to Cabinet, there has been a noticeable improvement, particularly in regard to appointments made by the Government or Ministers. However, where appointments are made on foot of nominations by other bodies, there is still a significant deficit.

When I brought the fourth six-monthly report to Government on women’s representation on State boards to Cabinet on 26 January 2005, the Government decided that for the future, nominating bodies will be required to “nominate both male and female options for those appointments to State boards where they are the responsible authority”.

The Minister of State, Deputy Fahey, has since written to all Ministers requesting them to put in place the necessary procedures to implement the Government decision. Future six-monthly reports to Government will include specific reference to the implementation by each Department of this decision. My Department has surpassed the 40% target.

Irish Prison Service.

74. Mr. Quinn asked the Minister for Justice, Equality and Law Reform the cost of the construction and equipping of the special unit on the grounds of St. Patrick’s Institution that was to have housed offenders aged between 14 and 16; when the unit was completed; if no offenders have ever been housed there; and if he will make a statement on the matter. [16143/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An amount of €8.2 million has been spent on the construction of an education block which includes a reception-administration and a recreation hall. This expenditure also relates to alterations carried out to the existing B wing of St. Patrick’s Institution, external works, professional fees and fit out.

I understand from the Irish Prison Service that the unit, which can accommodate 44 offenders, currently accommodates 38 young offenders aged between 16 and 21 years of age. The majority of those housed there are remand prisoners.

Appointments to State Boards.

75. Mr. Boyle asked the Taoiseach the current nominations of vacancies to boards of statutory agencies under the remit of his Department. [15910/05]

The Taoiseach: There are no current nominations of vacancies to boards of statutory agencies under the remit of my Department.

Fair Trade Products.

76. Mr. Boyle asked the Taoiseach the extent to which his Department sources FAIR TRADE products for use in same. [15911/05]

The Taoiseach: FAIR TRADE tea and coffee is served during meetings held in my Department. My Department will continue to seek opportunities to use FAIR TRADE products.
Dublin-Monaghan Bombings.

77. **Mr. F. McGrath** asked the Taoiseach if the families of the victims of the Dublin and Monaghan bombings of 1972 and 1974 will be given assistance in calling on the EU to offer financial assistance to mount a civil action. [16051/05]

**The Taoiseach:** Arising from the recommendations in the report of the Joint Oireachtas Committee on Justice, Equality, Defence and Women’s Rights on 31 March, 2004, a commission of investigation into certain aspects of the Dublin and Monaghan bombings of 1974 has been established, with Mr. Patrick McEntee, SC, as sole member. With regard to the Dublin bombings in 1972 and 1973, the joint Oireachtas committee published its report on 16 February, 2005 and the recommendations of the committee are being considered at present.

I am not aware of any request on the part of the families of the victims of the Dublin and Monaghan bombings for EU assistance regarding the families as it was for the family of Robert McCartney who made their own approach to the EU for assistance.

**Meetings with NGOs.**

78. **Ms O’Sullivan** asked the Taoiseach the number of meetings he has had with non-governmental organisations on matters related to public policy formulation and implementation during 2004; and if he will make a statement on the matter. [16270/05]

**The Taoiseach:** In the course of my work, I meet many organisations regarding various aspects of Government policy, although individual Ministers have primary responsibility to meet the organisations relevant to their own areas.

I would estimate that I meet with approximately two such organisations on average each week although the number of meetings in 2004 was lower due to other commitments associated with Ireland’s EU Presidency in the first half of the year. It would not be practical for me to list in this answer all the groups with whom I met during 2004 but it would include, for example, organisations such as the social partners, community groups, industry representatives, educational institutions and international organisations. I also meet the NGO aid organisations from time to time, for example, following the tsunami disaster in south-east Asia. In addition to formal meetings, I meet continually with a broad range of groups and individuals in the course of my various engagements.

**Departmental Properties.**

79. **Mr. Timmins** asked the Taoiseach if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16297/05]

**The Taoiseach:** No assets worth more than €100,000 have been sold by my Department since 1997.

80. **Mr. Kenny** asked the Taoiseach if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16399/05]

**The Taoiseach:** No land or buildings have been disposed of by my Department in the past ten years.

**Medical Cards.**

81. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when a medical card will issue to a person (details supplied) in County Limerick. [16078/05]

**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 assessment of applications for medical cards. Accordingly, my Department has requested the chief officer for the executive’s mid-western area to investigate the matter raised and to reply directly to the Deputy.

**Disabled Drivers.**

82. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children the number of persons who have qualified for a primary medical certificate in the past two years on a county basis. [16289/05]

**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 responsibility for the assessment of and entitlement to the disabled drivers and disabled passengers (tax concessions) scheme on behalf of the Department of Finance. Accordingly, my Department has requested the chief officers in all the Health Service Executives areas to answer the Deputy directly on this matter.

**Services for People with Disabilities.**

83. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if Down’s Syn-
drome Ireland will by given assistance to find a temporary new office. [16295/05]

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 responsibility for the matter referred to by the Deputy. Accordingly, my Department has requested the national director for primary, community and continuing care to investigate the matter raised and to reply directly to the Deputy.

Mental Health Services.

84. Mr. Cuffe asked the Tánaiste and Minister for Health and Children his plans to review and modernise legislation that provides for the detention of citizens in psychiatric institutions. [16426/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Mental Health Act 2001 was enacted in July 2001. The Act provides a modern framework in which people who are mentally disordered and who need treatment or protection, either in their own interests or in the interest of others, can be treated and cared for. The main vehicle for the implementation of the provisions of the Act is the Mental Health Commission which was established with effect from 5 April 2002. The commission’s primary function is to promote and foster high standards and good practices in the delivery of mental health services and to ensure the interests of detained persons are protected.

The detailed work programme of the commission is a matter for the commission itself to determine, in accordance with its statutory functions under the Mental Health Act. However, I understand one of the priorities for the commission is to put in place the structures required for the operation of mental health tribunals. These tribunals, operating under the aegis of the Mental Health Commission, will conduct a review of each decision by a consultant psychiatrist to detain a patient on an involuntary basis or to extend the duration of such detention. I understand which do not have an adequate legal basis; and if she will make a statement on the matter. [15919/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is reviewing charges which are being applied in the health services and it is hoped to have the review, which includes the legal basis for the charges, completed in the near future.

Health Service Charges.

85. Mr. Kenny asked the Tánaiste and Minister for Health and Children if her Department has carried out a review of the legal basis for all charges and fees levied by her Department and agencies under the aegis of her Department following the publication of the Travers report; the outcome of such review; if any charges have been identified which do not have an adequate legal

basis; and if she will make a statement on the matter. [15953/05]

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 dental services. Accordingly, my Department has requested the chief officer for the executive’s south-eastern area to reply to the Deputy directly.

Health Services.

86. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if a cataract operation will be expedited for a person (details supplied) in County Kilkenny at Waterford Regional Hospital. [15920/05]

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 the asked the chief officer for the executive’s south-eastern area to reply to the Deputy.

Health Services.

87. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the position regarding the wait for dental treatment for a person (details supplied) in County Wexford; when they will be called to commence treatment; and if she will make a statement on the matter. [15954/05]

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 dental services. Accordingly, my Department has requested the chief officer for the executive’s south-eastern area to investigate the matter raised and to reply directly to the Deputy.

Hospital Services.

88. Ms McManus asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that her Department is in breach of its guidelines (details supplied); the position regarding the brief for a designated oncology unit for Waterford Regional Hospital. [15954/05]

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 delivery of hospital services, including the application of guidelines for the use of cytotoxic medical preparations in the treatment of patients with cancer. Accordingly, my Department has requested the director of the national hospitals office to investigate the matters raised and to reply directly to the Deputy.

89. Ms McManus asked the Tánaiste and Minister for Health and Children the proposals of the sub-committee on radiotherapy for the provision of designated transport arrangements for the south east; when these proposals will be available; if designated funding will be made available; and if she will make a statement on the matter. [15955/05]

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. The national radiation oncology co-ordinating group provides advice to my Department and the Health Service Executive on radiotherapy, including transport arrangements. I understand the group will shortly write to the HSE on this matter.

Appropriate transport arrangements for patients requiring radiotherapy should be made available, where necessary, by the HSE. Accordingly, at my request, my Department has asked the director of the national hospitals office to examine the provision of transport on a national basis for such patients as a matter of priority.

Home Help Service.

90. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the reason home help for a person (details supplied) in County Wexford was reduced; and if she will make a statement on the matter. [15958/05]

Minister of State at the Department of Health and Children (Mr. S. Power): 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 the home help service in County Wexford. Accordingly, my Department has requested the chief officer for the executive’s south-eastern area to investigate the matter raised and to reply direct to the Deputy.

Medicinal Products.

91. Dr. Twomey asked the Tánaiste and Minister for Health and Children if a medication (details supplied) is not available on the medical card on a named patient basis for patients who are prescribed this medication by a hospital consultant. [15961/05]

Tánaiste and Minister for Health and Children (Ms Harney): Sildenafil citrate, Viagra, is licensed in Ireland and reimbursable under the community drugs and GMS schemes for the treatment of erectile dysfunction. To ensure availability for genuine need, but to reduce the possibility of inappropriate usage, the maximum reimbursable level under all schemes is four tablets per month. This is in accordance with the findings of the expert group set up by my Department to consider arrangements for the supply of sildenafil citrate.

However, my Department subsequently became aware that this drug, when appropriately prescribed, could benefit patients with pulmonary arterial hypertension, PAH. Following consultation, and on the basis of significant clinical evidence, my Department authorised the primary care reimbursement service to make sildenafil citrate reimbursable above the monthly threshold for the treatment of PAH, on a named patient basis and in specified circumstances set out in an agreed protocol.

My Department is having inquiries made with regard to the use of sildenafil citrate in the treatment of Raynaud’s disease. When these inquiries are complete, I will write to the Deputy.

Services for People with Disabilities.

92. Dr. Twomey asked the Tánaiste and Minister for Health and Children if funding for St. John of God’s, Dunleer, County Louth for 2005 has been made available; if funding into the future for this service will continue; and if she will make a statement on the matter. [15962/05]

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 responsibility for the matter referred to by the Deputy. Accordingly, my Department has requested the chief officer for the executive’s north-eastern area to investigate the matter raised and to reply directly to the Deputy.

General Medical Services Scheme.

93. Dr. Twomey asked the Tánaiste and Minister for Health and Children if general practitioners who do not hold a GMS contract will be able to sign on patients for the doctor-only medical card along the same lines as they can sign on more than 20 medical card patients and receive payment for them without holding GMS contracts for income based medical cards; and if she will make a statement on the matter. [15963/05]
Tánaiste and Minister for Health and Children (Ms Harney): I understand the Deputy is referring to the one-off entry arrangements which applied for suitably qualified GPs, who were not general medical services, GMS, contract holders at that time, to enter the GMS scheme in July 2001 to provide services to patients who became eligible for a medical card for the first time, over 70s, under the specific budgetary provision.

On the question of the arrangements for the GP visit card, discussions with the Irish Medical Organisation are ongoing in respect of the implementation of this initiative.

Hospital Services.

94. Mr. Bruton asked the Tánaiste and Minister for Health and Children if arrangements will be made for access to a treatment for a person (details supplied) in Dublin 9; and if she will make a statement on the matter. [15974/05]

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 in question resides in Dublin, 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.

Decentralisation Programme.

95. Mr. Gregory asked the Tánaiste and Minister for Health and Children her views on the issues raised in correspondence (details supplied) regarding the computerisation and decentralisation programme in her Department; and if she will make a statement on the matter. [15996/05]

Tánaiste and Minister for Health and Children (Ms Harney): By way of background I should point out that civil registration was first introduced in the Ireland in 1845, initially for the civil registration of non-Roman Catholic marriages. The system was extended in 1864 to include the registration of births, deaths and Roman Catholic marriages.

The General Register Office is responsible for the administration of the civil registration system nationally and is the central repository for all records relating to the registration of births, deaths, marriages, domestic adoptions and stillbirths. The office also provides services directly to clients on the recognition in Ireland of divorces obtained in foreign jurisdictions and on genealogical research.

Recognising the importance of civil registration and the need to introduce measures aimed at improving the civil registration system, Government approved the modernisation of the registration system as a joint programme between the Departments of Health and Children and Social and Family Affairs.

The modernisation programme included the design of new business processes and procedures, the introduction of modern technology, the capture and storage in electronic format of all historical paper based records, and the reform of the legislation governing registration to underpin the delivery of services to meet the needs of a modern society and to facilitate the wider eGovernment agenda.

Part of the modernisation programme includes a major project to create an electronically searchable database of the indices to live event records. From a research perspective the creation of an electronic database of indices, which is a work in progress, will facilitate easier and more efficient record searches. It will also facilitate the extension of the availability of the indices beyond the single physical repository of the public research facility of the General Register Office itself to the various offices nationwide where civil registration services are provided.

It is accepted that the existing public research facility itself is less than ideal from the perspective of both the user and the frontline staff who provide the service. The particular requirements of researchers are being taken into account in the context of the overall modernisation programme. An enlarged, dedicated and greatly enhanced facility capable of responding to the needs of customers is envisaged as is an increase in the number of appropriately trained staff at all levels to facilitate the continued development of services. Planning for this development is under way.

The General Register Office, with the exception of its public research facility which remains in Joyce House, Dublin 2, relocated to Roscommon on 11 April last. The relocation move is in line with Government policy on the decentralisation of Departments to locations outside the capital. It is a policy which enjoys widespread support, particularly among the receiving communities, and is of benefit to members of staff both personally and professionally.

The cost associated with the modernisation programme thus far has been of the order of €20 million. The programme is recognised nationally and internationally as an example of the use of information technology noteworthy for the originality of its conception and, in particular, for the significance of its benefits to society. It has received numerous awards including winner of the European innovation awards 2003, sponsored by The Wall Street Journal.

A modernisation programme of such scope, coupled with decentralisation, poses significant challenges but I am satisfied that substantial benefits have accrued from the reforms implemented to date, and that services will continue to improve as the reform programme is rolled out.

Where the parents of a child are not married to each other, section 7 of the Births and Deaths Registration Act (Ireland) 1880, as amended by the Status of Children Act 1987, sets out the man-
[Ms Harney.]

In the matter of the birth of a child where both parents are required to attend together at the relevant registrar’s office to jointly sign the birth register; at the request of the mother on production of a declaration by her naming the father. This form must be accompanied by a statutory declaration by the father acknowledging paternity. In this case the mother is required to attend the relevant registrar’s office to sign the birth register; at the request of the father on production of a declaration by him acknowledging paternity. This form must be accompanied by a statutory declaration by the mother naming that person as the father of the child. In this case the father is required to attend the relevant registrar’s office to sign the birth register; at the written request of the father or the mother on production of a certified copy of any court order, guardianship of infants or maintenance including affiliation, or under section 215 of the Social Welfare (Consolidation) Act 1981, naming the father of the child. In this case the parent making the request is required to attend the relevant registrar’s office to sign the birth register.

Health Service Allowances.

96. Mr. Wall asked the Tánaiste and Minister for Health and Children the position regarding the domiciliary care allowance for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [15997/05]

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 responsibility for the matters raised by the Deputy. Accordingly, my Department has requested the chief officer for the Health Service Executive’s mid-western area to investigate the matters raised and to reply directly to the Deputy.

Water Fluoridation.

98. Mr. Gormley asked the Tánaiste and Minister for Health and Children the reason questions put to the Forum on Fluoridation by a person (details supplied) have yet to be answered; her views on whether it is unacceptable that the forum reported while all the matters had not been addressed by the sub-committee established to address them; and if she will make a statement on the matter. [16025/05]

Tánaiste and Minister for Health and Children (Ms Harney): The forum on fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum consisted of people with expert knowledge spanning the areas of public health, biochemistry, dental health, bone health, food safety, environmental protection, ethics, water quality, health promotion and representatives from the consumer and environmental areas. The diversity of professional backgrounds and representation was reflected in the comprehensive way the forum conducted its work and research. Ultimately, the forum took an evidence-based approach to its examination of water fluoridation.

The forum’s report emerged from 14 plenary meetings, several meetings of subgroups and oral presentations of material from both proponents and opponents of fluoridation. The forum invited the public to forward their views and examined more than 1,000 submissions. In adopting a participatory and evidence-based approach, the forum strove to ensure balance between participants from both sides of the debate on water fluoridation.

The person referred to by the Deputy was one of many individuals who were invited to present to the forum. This person’s presentation was based on what were termed 50 reasons to oppose fluoridation. As with all the other contributions to the forum, consideration of this person’s submission was dealt with under established procedures. Procedures required contributors to provide references in internationally recognised scientific journals to substantiate their claims. In establishing and following this procedure, the forum accepted the fundamental scientific tenet that any single piece of scientific evidence by itself remains a hypotheses unless it could be repeated or confirmed by other scientists, usually by publication in recognised scientific journals after submission has been approved by independent referees.

The Deputy should be aware that the forum addressed in the body of its report the 50 reasons to oppose fluoridation raised by the person con-
cerned. The forum examined comprehensively the benefits and risks of fluoridation, including alleged adverse general health effects of fluoridation. The forum concluded that human health was not adversely affected when fluoride was present in drinking water at one part fluoride per million parts of water. The finding was based on measured scientific results and the most reliable scientific evidence. A comprehensive response to the questions referred to by the Deputy was published on my Department’s website on 4 May 2005.

99. Mr. Gormley asked the Tánaiste and Minister for Health and Children the reason, despite attempts, the Irish Doctors Environmental Association is unable to access minutes of the expert body set up to oversee the implementation of the recommendations of the forum on fluoridation and despite the fact that a letter to it in April 2005 to request a copy of all minutes, under the Freedom of Information Act 1997 remains unanswered. [16026/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has no record of receiving a request from the Irish Doctors Environmental Association under the Freedom of Information Act 1997 for minutes of the Irish expert body on fluorides and health. My office received a written request from the association for the minutes of the meetings of the Irish expert body on fluorides and health under EU Regulations 90/313/EC and 2004/4/EC and SI No. 125/98 the European Communities Act 1972 (Access to Information on the Environment) Regulations 1998. Under the regulations, a reply to the request should have issued within one month after receipt. Due to an unavoidable delay in my office this time-frame for a reply was not met. The request has been acknowledged and passed to the secretariat to the expert body for direct reply. In the circumstances, I offer my apologies to the Irish Doctors’ Environmental Association for the delay in dealing with its request.

Services for People with Disabilities.

100. Mr. P. McGrath asked the Tánaiste and Minister for Health and Children the budgetary allocation for persons with disabilities living in Counties Laois, Offaly, Westmeath and Longford; if this allocation is insufficient to continue the existing level of service into the last quarter of 2005; and if she will make a statement on the matter. [16027/05]

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 responsibility for the matter referred to by the Deputy. Accordingly, my Department has requested the chief officer for the executive’s midlands area to investigate the matter raised and reply directly to the Deputy.

Accident and Emergency Services.

101. Mr. Ferris asked the Tánaiste and Minister for Health and Children if she will make a statement in response to the alarming prediction of the Irish Nurses Organisation that essential services at Kerry General Hospital’s accident and emergency unit will be seriously curtailed over the summer months if nothing is done to increase staffing numbers and improve facilities; and if she will take immediate action to prevent a complete meltdown of these services during the hectic summer months. [16028/05]

102. Mr. Ferris asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that according to a person (details supplied), the situation in the accident and emergency unit at Kerry General Hospital has reached crisis point and the major problem of persons on trolleys has only emerged since a change in admission policies in the past 12 to 18 months; the reason for this change in admission policies; and the measures she has in place for alleviating the situation in the accident and emergency unit. [16029/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 101 and 102 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 services at Kerry General Hospital. My Department has, therefore, asked the chief officer for the executive’s southern area to respond directly to the Deputy on the issues raised.

Suicide Incidence.

103. Mr. Ferris asked the Tánaiste and Minister for Health and Children if she will make a statement on the number of suicide attempts among young persons in County Kerry; and if her attention has been drawn to the reasons for this trend. [16030/05]

104. Mr. Ferris asked the Tánaiste and Minister for Health and Children the action she is taking to tackle the unusually high rate of suicide in County Kerry. [16031/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I propose to take Questions Nos. 103 and 104 together.

As the Deputy is aware, work is well underway on the preparation of a national strategy for action on suicide prevention. The strategy, which involves the project management unit of the
Health Service Executive in partnership with the national suicide review group supported by the Department of Health and Children will be action-based from the outset and will outline the priority initiatives for suicide prevention and mental health promotion across the country for the coming years. All measures aimed at reducing the number of deaths by suicide will be considered in the preparation of the strategy which will be published in September of this year.

Suicide is a serious social problem and every suicide and attempted suicide is a tragic event. I am aware that there has been an increase in the level of suicidal behaviour in County Kerry in recent times and can assure the Deputy that account will be taken of the reasons for this increase in the formulation of the national strategy.

105. Mr. Ferris asked the Tánaiste and Minister for Health and Children the number of suicides and attempted suicides in County Kerry between 2002 and 2004 inclusive; and the number of suicides and attempted suicides by persons under the age of 25 in County Kerry between 2002 and 2004 inclusive. [16032/05]

106. Mr. Ferris asked the Tánaiste and Minister for Health and Children the number of deaths from suicide by county between 2002 and 2004 inclusive. [16033/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I propose to take Questions Nos. 105 and 106 together.

Data on mortality are compiled by the Central Statistics Office and published in the annual and quarterly reports on vital statistics. The latest period for which data are available is January to September 2004 and these figures are set out in the tables below in addition to figures for 2002 and 2003. The national parasuicide registry collects data on persons presenting to hospital as a consequence of parasuicide, or deliberate self harm. Annual reports for the years 2002 and 2003 show the numbers of treated episodes of deliberate self harm in Tralee General Hospital were 275 and 277 respectively. Of these, 91 were aged under 25 years in 2002 and approximately 82 in 2003. Data for 2004 are not yet available.

Table 1: number of deaths from suicide by county 2002-04.

<table>
<thead>
<tr>
<th>County</th>
<th>2002</th>
<th>2003</th>
<th>January to September 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kilkenny</td>
<td>11</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>Laois</td>
<td>6</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Leitrim</td>
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<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Limerick</td>
<td>30</td>
<td>24</td>
<td>13</td>
</tr>
<tr>
<td>Longford</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Louthe</td>
<td>14</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>Mayo</td>
<td>18</td>
<td>10</td>
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</tr>
<tr>
<td>Meath</td>
<td>19</td>
<td>11</td>
<td>13</td>
</tr>
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<td>Monaghan</td>
<td>4</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Offaly</td>
<td>11</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Roscommon</td>
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<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Sligo</td>
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</tr>
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<td>Tipperary</td>
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<td>10</td>
</tr>
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</tr>
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<td>Westmeath</td>
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<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Wexford</td>
<td>17</td>
<td>23</td>
<td>4</td>
</tr>
<tr>
<td>Wicklow</td>
<td>15</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>478</td>
<td>444</td>
<td>261</td>
</tr>
</tbody>
</table>

Note: figures for 2003 and 2004 are provisional. Source: Central Statistics Office.

Table 2: number of deaths from suicide of persons resident in County Kerry 2002-04.

<table>
<thead>
<tr>
<th>Age</th>
<th>2002</th>
<th>2003</th>
<th>January to September 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 25 years</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>All Ages</td>
<td>13</td>
<td>9</td>
<td>12</td>
</tr>
</tbody>
</table>

Note: Figures for 2003 and 2004 are provisional. Source: Central Statistics Office.

Housing Aid for the Elderly.

107. Mr. P. Breen asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare did not qualify for housing aid for the elderly; and if she will make a statement on the matter. [16056/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for establishment of the Health Service Executive on 1 January 2005. Under the Act, the executive has the responsibility to manage, deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the housing aid scheme for the elderly in County Clare on behalf of the Department of the Environment, Heritage and Local Government. Accordingly, my Department has requested the chief officer for the executive’s mid-western area to investigate the matter raised and reply direct to the Deputy.

Hospital Services.

108. Ms Shortall asked the Tánaiste and Minister for Health and Children the steps she is tak-
ing to secure the immediate admission of a person (details supplied) in Dublin 9 to Cappagh National Orthopaedic Hospital. [16057/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for establishment of the Health Service Executive 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 in question resides in Dublin, my Department has requested the chief officer for the executive’s eastern regional area to investigate the matter raised and reply directly to the Deputy.

Proposed Legislation.

109. Mr. P. Breen asked the Tánaiste and Minister for Health and Children the protection the medical practitioners Bill will provide for patients against foreign practitioners who may have been the subject of medical negligence claims in the past; and if she will make a statement on the matter. [16074/05]

110. Mr. P. Breen asked the Tánaiste and Minister for Health and Children the protection the medical practitioners Bill will provide for patients against foreign practitioners who may have had restrictions placed on their practice; and if she will make a statement on the matter. [16075/05]

111. Mr. P. Breen asked the Tánaiste and Minister for Health and Children the measures contained in the medical practitioners Bill which will regulate the area of cosmetic surgery; and if she will make a statement on the matter. [16076/05]

138. Mr. P. Breen asked the Tánaiste and Minister for Health and Children if the medical practitioners Bill will address publicity stunts by foreign cosmetic surgeons offering their services for free in return for national media exposure; and if she will make a statement on the matter. [16532/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 109, 110, 111 and 138 together.

The Medical Council is the independent authority charged with primary responsibility for the registration and regulation of medical practitioners in the State. The function of the Medical Council is to protect the public by implementing appropriate regulation of the medical profession. All doctors practising medicine in Ireland, whether they hold Irish or other nationality, should be registered with the Medical Council. It is an offence under the Medical Practitioners Act 1978 to falsely represent himself or herself to be a registered medical practitioner when he or she is not registered. Registration is required to sign medical certificates and issue prescriptions for certain categories of drugs. In addition, doctors are not entitled to recover in legal proceedings fees charged for the provision of medical or surgical advice or treatment given when they were not registered.

All medical practitioners are regulated by the council in the same way, including doctors practising cosmetic surgical procedures. A new medical practitioners Bill, which is currently being drafted by parliamentary counsel, will increase the requirements on all medical practitioners in a number of ways. Medical practitioners from outside Ireland who wish to practise in this country will be subject to the same professional and ethical requirements as Irish medical practitioners. Among the many changes I propose to introduce are a clear compulsory requirement for registration for all medical practitioners, changes to the fitness-to-practice process, the introduction of a mandatory scheme of competence assurance for all doctors practising independently and a much increased public advisory and information role for the council. I intend also to significantly increase the non-medical representation on the council itself to best ensure that public safety and protection is given the highest possible priority by the council as it develops in the future.

The new Bill will greatly strengthen and enhance the powers of the Medical Council. I propose that the Medical Council should have the powers to investigate cases of individuals who are not registered with the council and who are providing services proper only to registered medical practitioners. Section 49 of the Medical Practitioners Act 1978 gives the Medical Council the power to have persons convicted of indictable offences, whether in Ireland or in another jurisdiction, erased from the medical register. Under the new Bill, I propose some enhancement of Section 49 to give the council more flexibility in this regard.

A doctor will be required to make a declaration to the council of his or her entitlement to be registered and the status of any registration he or she may hold in this or any other jurisdiction. Persons will be required to notify the council of any changes in circumstances such as a change in the status of their registration with another regulatory body in the State or in another jurisdiction. Where a person fails to do so, the council could instigate fitness-to-practice proceedings.

My Department has no role in the restriction of the advertising of doctors’ services applicable in this or any other jurisdiction. The Medical Council produces a guide to ethical conduct and behaviour in accordance with section 69(2) of the Medical Practitioners Act which addresses advertising by medical practitioners and the provision of ethical advice generally. The most recent edition of the guide was published in 2004 and includes guidelines on advertising in the media and practice announcements. The council is in a position to consider alleged breaches of the guide in respect of doctors who are registered with it.

These and other new provisions of the Bill should afford greater protection to the public. I
[Ms Harney.] expect to be in a position to publish the Bill before the end of the year.

Mental Health Services.

112. Mr. Neville asked the Tánaiste and Minister for Health and Children the position regarding the report of the expert group on mental health policy which was established in 2003 to prepare a new national policy network for the mental health services. [16077/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): As the Deputy may be aware, I appointed the expert group on mental health policy in 2003 with the specific task of preparing a new policy framework for the mental health services to update the current policy document, Planning for the Future, which was published in 1984. The group, which is examining the future direction and delivery of all aspects of our mental health services, is expected to complete its work and publish its report later this year.

Care of the Elderly.

113. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the status of her commitment to provide a fully funded and resourced senior citizens day care unit at the health centre in Cootehill, County Cavan; when same will be fully functional; and if she will make a statement on the matter. [16109/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the establishment of the Health Service Executive 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 day care centres in County Cavan. Accordingly, my Department has requested the chief officer for the executive’s north-eastern area to investigate the matter raised and reply direct to the Deputy.

Hospital Services.

114. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children if she will establish a detailed account of the women-centred services in place at Monaghan General Hospital; the days and times of access; her plans for a development of these services over the next 12 months; and if she will make a statement on the matter. [16110/05]

115. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the status of the Kinder report proposals for the introduction of a midwifery service at Monaghan General Hospital; the preparations which are underway for its commencement, that is, physical accommodation, staffing and so on; and if she will make a statement on the matter. [16111/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 114 and 115 together.

The Health Act 2004 provided for the establishment of the Health Service Executive 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 Monaghan General Hospital. Accordingly, my Department has requested the chief officer for the executive’s north-eastern area to investigate the matters raised and reply directly to the Deputy.

Health Services.

116. Mr. Carey asked the Tánaiste and Minister for Health and Children when it is planned to have the new health centre in Ballymun, Dublin 11, fitted out; when it is expected to be fully operational and available for patient treatment; and if she will make a statement on the matter. [16149/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the establishment of the Health Service Executive 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 centres. Accordingly, my Department has requested the chief officer for the executive’s north-eastern area to investigate the matter raised and reply directly to the Deputy.

117. Mr. Naughten asked the Tánaiste and Minister for Health and Children the reason a person attending a midwife-led maternity service is denied access to a private bed; her plans to review this situation; and if she will make a statement on the matter. [16152/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the establishment of the Health Service Executive 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. Responsibility for the issue raised by the Deputy rests with the national hospitals office of the Health Service Executive. Accordingly, my Department has requested the director of the office to investigate the issue raised and reply directly to the Deputy.

Nursing Home Charges.

118. Mr. G. Mitchell asked the Tánaiste and Minister for Health and Children further to Question No. 154 of 22 June 1999, the refund which will issue to a person (details supplied); and if she will make a statement on the matter. [16207/05]
Tánaiste and Minister for Health and Children (Ms Harney): The Government has agreed the key elements of a scheme for the repayment of long stay charges for publicly funded residential care. All those who were charged and are alive and the estates of all those who were charged and died in the six years prior to 9 December 2004 will have the charges repaid in full. The scheme will not allow for repayments to the estates of those who died more than six years ago. The repayments will include both the actual charge paid and an amount to take account of inflation using the consumer price index since the time the person involved was charged. Legislation will be brought before the Oireachtas as soon as possible to provide a clear legal framework for the scheme.

The scheme will be designed and managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible and with the minimum possible imposition in terms of bureaucracy. Priority will be given to those who are still alive. Many of those eligible for repayments have already been identified under the ex gratia payments process. The scheme will include a transparent and thorough appeals process. In the case of those who were charged and are still alive, the repayments will be exempt from tax and will not be taken into account in assessing means for health and social welfare benefits. The normal tax and means assessment arrangements will apply to those who benefit from repayments to estates.

The scheme will include a provision to allow those eligible for a repayment to waive their right to a repayment and have the money assigned to fund once-off service improvements in elderly, mental health and disability services. Any person who considers that he, she or a family member may be eligible for repayment may register interest in advance with the Health Service Executive by writing to the National Refund Scheme, HSE Midland Area, Arden Road, Tullamore, County Offaly; e-mailing refundscheme@mailq.hse.ie, or calling the helpline 1800 777737 during office hours. There is no need for anyone who has already registered using this facility to make contact with the HSE again to register for the scheme.

Medical Cards.

119. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the reason medical card holders are charged by general practitioners for signing renewal of licence forms; if she will consider including this service under the medical card scheme; and if she will make a statement on the matter. [16212/05]

Tánaiste and Minister for Health and Children (Ms Harney): The general medical services contract which general practitioners participating in the GMS hold with the local area of the Health Service Executive provides for the issue of first and final certificates to explain work absence free of charge for medical card holders regardless of age. General practitioners are not obliged to provide examinations and certificates in respect of requirements of life assurance for insurance companies or licensing authorities free of charge. I have no plans to change the current provisions.

Patient Discharges.

120. Mr. O'Dowd asked the Tánaiste and Minister for Health and Children the number of patient discharges from acute hospitals to nursing homes from the beginning of April 2005; the location and name of each nursing home; the number of patients discharged to each home; and if she will make a statement on the matter. [16213/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the establishment of the Health Service Executive 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. Accordingly, my Department has requested the chief officer of the Health Service Executive to reply to the Deputy in relation to the information requested.

Hospital Staff.

121. Mr. Sherlock asked the Tánaiste and Minister for Health and Children when the post of consultant haematologist at the Mercy Hospital, Cork, will be filled to replace the retiring haematologist. [16220/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the establishment of the Health Service Executive 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 delivery of hospital services, including the filling of consultant posts. Accordingly, my Department has requested the chief officer of the executive’s southern area to investigate the matters raised and to reply directly to the Deputy.

Organ Retention.

122. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the time-frame and terms of reference for the Madden inquiry into organ retention; and if she will make a statement on the matter. [16225/05]

Tánaiste and Minister for Health and Children (Ms Harney): Government approved the appointment of Dr. Deirdre Madden BL on 3 May to complete a final report on post mortem practice and organ retention and submit this to me by 21 December 2005. Dr. Madden is drawing up the terms of reference for her work in consultation with my Department and these will be presented
to Government for approval as quickly as possible.

**Accident and Emergency Services.**

123. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children if she will report on her recent proposals for the placing of extra beds in hospital wards to address the accident and emergency crisis; and if she will make a statement on the matter. [16227/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health and Safety Authority recommended that the Health Service Executive determine on a hospital-by-hospital basis, having undertaken the necessary risk assessment and staff consultation, whether extra capacity can be achieved within existing units. The national hospitals office has asked hospital managers to examine the potential for using the total hospital capacity including inpatient wards for patients who require admission in an attempt to alleviate pressure on accident and emergency departments. I expect to be briefed by the national hospitals office in the near future on the outcome of its initiative with hospitals in this area.

It is a matter for each individual hospital’s management to exercise its own judgment on how to reduce health and safety risks within a facility. Hospital managers have been asked to have regard to international best practice in areas such as improving work flow issues and increasing the use of more appropriate community-based interventions to reduce the pressure on accident and emergency units. To assist those hospitals experiencing continuing pressures on the emergency service, the NHO is in the process of seeking ten-derers from companies which are expert in the area of work-flow management to carry out a review of ten hospitals to determine what internal efficiencies can be achieved to improve patient flow and reduce overcrowding.

**Mental Health Services.**

124. Dr. Upton asked the Tánaiste and Minister for Health and Children the progress which has been made in providing for the promised mental health facility in Ballyfermot; if her attention has been drawn to the totally inadequate facilities that are provided at present; the discussions her Department has had with the HSE in relation to the provision of suitable accommodation and facilities for the Ballyfermot mental health facility; and if she will make a statement on the matter. [16228/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The Health Act 2004 provided for the establishment of the Health Service Executive 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 payment of and entitlement to domiciliary care allowance. Accordingly, my Department has requested the chief officer for the southern area to investigate the matter raised and reply directly to the Deputy.

**Health Services.**

125. Mr. N. O’Keeffe asked the Tánaiste and Minister for Health and Children the position regarding an application by a person (details supplied) in County Cork to the Health Service Executive southern area for the domiciliary care allowance; if her attention has been drawn to the fact that this application was made eight months ago; and if she will establish the reason for the delay. [16229/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The Health Act 2004 provided for the establishment of the Health Service Executive 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 payment of and entitlement to domiciliary care allowance. Accordingly, my Department has requested the chief officer for the southern area to investigate the matter raised and reply directly to the Deputy.

**Mental Health Services.**

126. Mr. Fleming asked the Tánaiste and Minister for Health and Children the support services available in County Laois for young persons suffering with mental illness; the support groups in the county which assist persons with mental illness; the plans which agencies under her Department have to improve the facilities and increase funding for this area; and if she will make a statement on the matter. [16230/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The Health Act 2004 provided for the establishment of 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 mental health services in County Laois. Accordingly, my Department has requested the chief officer, Health Service Executive’s midland area to investigate the matter raised and to reply directly to the Deputy.

**Health Services.**

127. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children the reason the respite care grant has been reduced for a person (details supplied); and if the family of same will be given the maximum support and assistance. [16292/05]

**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 responsibility for respite care. 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.

Irish Blood Transfusion Service.

128. Ms McManus asked the Tánaiste and Minister for Health and Children the cost of running the Irish Blood Transfusion Service Stillorgan clinic, County Dublin; its hours of opening; the turnover in regard to the amount of blood acquired; and if she will make a statement on the matter. [16293/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Irish Blood Transfusion Service transferred the operation of its donor clinic in Dublin from Mespil Road to D’Olier Street in November 2000. A significant number of people did not to continue to donate due to the change of location to the city centre. Research undertaken by the IBTS found that one of the most quoted reasons for not returning to donate was the length of time donors had to queue at the clinic. The IBTS, therefore, decided to open a clinic in Stillorgan operating on an appointment basis. The clinic opened in December 2003 and continues to develop. The cost of running the Stillorgan clinic in 2004 was €603,435. There were 3,447 units of blood donated at the clinic during the year and the potential income from these donations was €630,400.

The opening hours for the Stillorgan clinic are as follows:

<table>
<thead>
<tr>
<th>Day</th>
<th>Hours</th>
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<tr>
<td>Monday</td>
<td>Closed</td>
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<tr>
<td>Tuesday</td>
<td>10 a.m. to 8 p.m.</td>
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<tr>
<td>Wednesday and Thursday</td>
<td>1 p.m. to 8 p.m.</td>
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<tr>
<td>Friday</td>
<td>10 a.m. to 3 p.m.</td>
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I have been informed by the IBTS that it is currently reviewing the operation of the Stillorgan clinic and will be taking a series of measures to increase donations at the clinic.

Departmental Properties.

129. Mr. Timmins asked the Tánaiste and Minister for Health and Children if she will provide a list of all the assets worth more than €100,000 that her Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if she will make a statement on the matter. [16298/05]

Tánaiste and Minister for Health and Children (Ms Harney): There have been no assets held by my Department worth in excess of €100,000 which were sold since 1997 and consequently no proceeds from sale were received in that time period.

Health Service Staff.

130. Caomhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the number of nurses who have left the practise of nursing in the past five years; and if she will make a statement on the matter. [16378/05]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is not available. While there will always be attrition from the nursing profession for a variety of reasons, including retirement, changing occupation, migration and family reasons, the current vacancy rate now stands at 2.25%, which could be considered a normal frictional rate. Government policy over the past number of years has been to ensure the recruitment and retention of adequate numbers of nurses, and a range of measures have been introduced. A comprehensive range of financial supports have been introduced to support nurses in pursuing part-time degrees and specialist courses, including “back to practice” courses. The cost of these supports will be €10 million in 2005.

My Department introduced a scheme of flexible working arrangements for nurses and midwives in February 2001. Under the scheme, individual nurses and midwives may apply to work between eight and 39 hours per week on a permanent, part-time basis. Almost a quarter of all nurses now job share or work part-time hours.

There have been substantial salary increases for nurses over the past number of years. Between 1997 and 2004 the basic salary of a staff nurse increase by 57.5%. In the same period the salaries of clinical nurse managers increased by between 73% and 89%. The number of training places for student nurses has been increased by 70% since 1998.

The numbers of nurses employed in the public health service has increased dramatically over the past five years from 27,044 in 1999 to 34,313 at the end of 2004, an increase of over 26%. The turnover rate for nurses has also shown a significant improvement in recent years. The most recent study covering the five years 1999 to 2003 reported that the turnover rate had fallen by 40%.

131. Caomhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the number of nurses who have left the public health service and moved to the private health sector in the past five years; and if she will make a statement on the matter. [16379/05]

Tánaiste and Minister for Health and Children (Ms Harney): Available statistics do not include data on the movement of nursing staff between the public and private health sector. However, I can inform the Deputy that over the past five years an additional 7,269 nurses, whole time equivalent, were employed in the public health service. The figure of 34,313 nurses and midwives employed at the end of 2004 represents a 26% increase on the 1999 figure and is indicative of the Government commitment to expanding public health services.
Health Services.

132. Mr. Kenny asked the Tánaiste and Minister for Health and Children when elective surgery will recommence at the orthopaedic unit at Mayo General Hospital; if elective surgery has been carried out to date; if so, the extent of same; and if she will make a statement on the current running of the unit. [16380/05]

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.

Mayo General Hospital commenced the provision of an elective orthopaedic service at the beginning of September 2004. This elective service continued up until December 2004. Orthopaedic trauma services began in January 2004 and continue to be provided at Mayo General Hospital. It was agreed to temporarily suspend elective services to plan and manage the introduction of the trauma service. I understand that the Health Services Executive western area is working with the staff involved to restart the elective service as soon as possible.

My Department has requested the chief officer for the executive’s western area to inform the Deputy of the current position with regard to the recommencement of elective orthopaedic services at Mayo General Hospital.

Health Service Staff.

133. Mr. Kenny asked the Tánaiste and Minister for Health and Children the extent of staffing levels and grades employed in the orthopaedic unit at Mayo General Hospital; her proposals for the future of the unit in this regard; and if she will make a statement on the matter. [16381/05]

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 orthopaedic services at Mayo General Hospital. 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.

Cancer Screening Programme.

134. Mr. Lowry asked the Tánaiste and Minister for Health and Children the expected date by which BreastCheck services will be available in north Tipperary; the reason for the delay in rolling out the service to north Tipperary; and if she will make a statement on the matter. [16383/05]

Tánaiste and Minister for Health and Children (Ms Harney): I am confident that the target date of 2007 for the commencement of the roll-out of BreastCheck to the remaining regions of the country will be met. The national roll-out of the programme is a major priority in the development of cancer services. This will ensure that all women in the relevant age group of 50 to 64 years in every county will have access to breast screening and follow-up treatment where appropriate.

The national roll-out of the programme required detailed planning for the development of infrastructure to provide for two static clinical units, one in Cork and the other in Galway. I recently gave approval to BreastCheck to advertise for the appointment of a design team to work up detailed plans for the design and construction of these two units. In addition, I approved the development of a symptomatic breast centre at University College Hospital Galway. The total capital approved amounts to approximately €25 million. Tender notices have been advertised in the Official Journal of the European Community to expedite this major project.

Any woman irrespective of her age or residence who has immediate concerns or symptoms should consult her general practitioner who, where appropriate, will refer her to the symptomatic services in her area.

Departmental Properties.

135. Mr. Kenny asked the Tánaiste and Minister for Health and Children if she will supply an inventory of all assets, specifically land and buildings, disposed of by her Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16400/05]

Tánaiste and Minister for Health and Children (Ms Harney): With regard to the disposal of assets classified as land and buildings, no transactions for their sale have occurred over the past ten years. All land and buildings for use by my Department are owned and managed by the Office of Public Works, OPW, and in that time period there has been only one property transaction involving my Department, made between the OPW and the former South Eastern Health Board. The transfer, for no consideration, involved property at Ionad Folláin, Myshall, County Carlow, which is expected to be registered shortly.

Hospital Waiting Lists.

136. Mr. Ring asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for a cataract operation. [16466/05]

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 in question resides in County Mayo, 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.

Patient Statistics.


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.

Services at the Adelaide and Meath Hospital, incorporating the National Children’s Hospital, Tallaght, are provided under an arrangement with the executive. My Department has, therefore, requested the chief officer for the executive’s eastern regional area to examine the issue raised and to reply to the Deputy directly.

Question No. 138 answered with Question No. 109.

Disabled Drivers.

139. Ms C. Murphy asked the Minister for Finance the number of persons who are on the disabled drivers medical board of appeal’s waiting list; the number on the appeal list for each county; the average waiting time before an appeal is heard; the percentage of appeals which are successful on a county basis. [16288/05]

Minister for Finance (Mr. Cowen): I understand that there are approximately 600 individuals on the disabled drivers medical board of appeal waiting list, with a current average waiting time in excess of three years. There were a number of operational difficulties with the board of appeal and these have now been resolved. The new chairperson of the board, whom I appointed on 14 March 2005, has been asked to address the backlog as a priority. In this respect, I understand that there will be more frequent meetings of the board of appeal, possibly as often as once a week.

To facilitate more frequent meetings, I brought in new regulations on 7 April 2005 which will allow for the appointment of up to ten medical practitioners to the board of appeal. Prior to July 2004, the regulations only allowed for the appointment of three medical practitioners. It is intended that these improvements will substantially reduce the current waiting time for an appeal.

Information in respect of the number of appeals to the board on a county basis is not held by my Department or the Revenue Commissioners and I understand that accurate information in regard to this is not readily available at this time from the board of appeal. However, as part of the reconstitution of the board, resources are being made available to develop an improved database which should address this. I will arrange for this information to be forwarded to the Deputy when available. In respect of the percentage of appeals which are successful on a national basis, the report of the interdepartmental group, which reviewed this scheme, stated that approximately 17% of appeals were successful over the period 1998 to 2001.

140. Ms C. Murphy asked the Minister for Finance if he intends to relax the very strict criteria required to qualify for a primary medical certificate. [16290/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the disabled drivers and disabled passengers tax concessions scheme which 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.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers and disabled passengers, tax concessions, regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are as follows: persons who are wholly or almost wholly without the use of both legs; persons who are wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; persons without both hands or without both arms; persons without one or both legs; persons wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; and persons having the medical condition of dwarfism and who have serious difficulties of movement of the lower limbs.

An individual who qualifies under the medical criteria, as set out above, is issued with a primary medical certificate. Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax, VRT, a 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.

An interdepartmental review group was established to review the disabled drivers’ and disabled passengers’, tax concessions, scheme. The group examined all aspects of the scheme including the qualifying medical criteria. The Report was published on my Department’s website in July 2004 and copies have been placed in the Oireachtas Library. As agreed by Government in June 2004, I will consider the report on an ongoing basis in the overall budgetary context having regard to the existing and prospective cost of the scheme.

Property Transfers.

141. Aengus Ó Snodaigh asked the Minister for Finance the problem regarding the legal status of
[Aengus Ó Snodaigh.]

the lands occupied by a school (details supplied) in Dublin 8. [16530/05]

142. Aengus Ó Snodaigh asked the Minister for Finance his views on whether the South Circular Road, Dublin 8, is a main thoroughfare and is not suitable for dropping off or collecting children if there is a suitable alternative off-road option available, as in the case of Griffith Barracks multi-denominational school, South Circular Road, Dublin 8; and if the OPW, which owns the land on which the school sits, will consult the school and its board of management before finalising arrangements with Griffith College, which shares the site, to close the existing vehicular access. [15906/05]

143. Aengus Ó Snodaigh asked the Minister for Finance if, in the event of an agreement having been reached with Griffith College, South Circular Road, Dublin 8, the OPW will close the existing vehicular access, open another entrance 200 metres away and allow for access arrangements to facilitate parking for the school staff of Griffith Barracks multi-denominational school, the dropping off and collecting of pupils by parents, the transportation of pupils who are wheelchair users, and the emergency services. [15907/05]

144. Aengus Ó Snodaigh asked the Minister for Finance if the original boundary between Griffith College and Griffith Barracks multi-denominational school, South Circular Road, Dublin 8, will be reinstated now that through-traffic from the existing vehicular access to the school will end; and if the OPW will pay for or contribute to the reinstallation of a wooden fence on the boundary. [15908/05]

145. Aengus Ó Snodaigh asked the Minister for Finance if the OPW has agreed with Griffith College, South Circular Road, Dublin 8, to prevent the parents of the pupils of Griffith Barracks multi-denominational school from using the new vehicular entrance to the college and the grounds on which the school is located. [15909/05]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 141 to 145, inclusive, together.

The Commissioners of Public Works act as agents for the Department of Education and Science in the acquisition of sites for primary schools. Griffith Barracks multi-denominational school is currently temporarily accommodated on a site owned by the Commissioners of Public Works. The Department has requested that the school’s position be regularised and this process is currently proceeding. Part of this process will be the construction of a boundary fence or wall as stipulated in the original contract for sale. When these matters are regularised it is proposed to transfer the site to the Minister for Education and Science who will arrange for an appropriate lease to the school. Matters relating to traffic and parking arrangements are not a matter for the OPW.

Tax Code.

146. Mr. Wall asked the Minister for Finance the position regarding the application for a tax refund for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [15918/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a notification of tax refund issued to the taxpayer in question on 10 May 2005 and that a cheque in settlement issued on 12 May 2005.

Departmental Charges.

147. Mr. Kenny asked the Minister for Finance further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [15945/05]

Minister for Finance (Mr. Cowen): The Department of Finance has started to review existing delegations, including the legal basis for any charges and fees levied by the Department. It is arranging for a similar exercise to be carried out by the agencies under its aegis. I understand that a similar exercise will be carried out by other Departments and offices. The Deputy will appreciate that the exercise is ongoing. No charges have yet been identified which do not have an adequate legal basis. The Deputy is aware that the taxation issues he has raised are subject to review by the House in the annual Finance Bill.

Tax Yield.

148. Mr. Stanton asked the Minister for Finance the amount of VAT his Department received from the annual monitoring fees charged by service providers for socially monitored alarms which are provided through the scheme of community support for older persons in 2000, 2001, 2002, 2003, 2004 and to date in 2005; and if he will make a statement on the matter. [15971/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners have informed me that the amount of VAT collected as a result of the monitoring fees charged by service providers for socially monitored alarms cannot be identified in the overall yield of VAT, as the information contained on VAT returns does not require it to be identified. The purchase and monitoring of home security systems is subject to the standard VAT rate of 21%, in accordance with the requirements of EU VAT law, with which Irish VAT law must comply. Under the Value Added Tax (Refund of Tax) (No. 15) Order 1981, it is possible to obtain a VAT refund in respect of the purchase of a pendant alarm system, which is considered a medical device for the purpose of the order. Associated monitoring and maintenance fees are not recoverable. Applicants should contact the Revenue
Commissioners, VAT Repayments (Unregistered Section), Kilrush Road, Ennis, County Clare.

A scheme of community support for older people is operated by the Department of Community, Rural and Gaeltacht Affairs. The purpose of the scheme is to encourage and assist the community’s support for older people by means of a community-based grant scheme to improve the security of its older members. Funding under the scheme can be provided for small scale security equipment designed to strengthen points of entry to the dwelling, security lighting, smoke alarms and the once-off cost of installing socially monitored personal alarm systems. Annual monitoring fees or maintenance fees associated with socially monitored alarm systems are not provided for under the scheme.

The scheme of VAT refunds on the purchase of a personal security alarm by or on behalf of a disabled or elderly person and the scheme of community support for older people are important measures which help to ensure that those who are most in need of security systems can avail of them.

Freedom of Information.

149. Mr. F. McGrath asked the Minister for Finance if he will designate the Higher Education Training Awards Council under the working of the Freedom of Information Act 1997, secure transparency in the system and reinforce the credibility of the third level sectors. [15976/05]

154. Mr. Naughten asked the Minister for Finance, further to Question No. 186 of 10 May 2005, when he envisages that this organisation will come under the terms of the Freedom of Information Act 1997; and if he will make a statement on the matter. [16130/05]

155. Mr. Lowry asked the Minister for Finance when the proposals for an extension to the Freedom of Information Act 1997 will be finalised; the bodies being considered as part of the extension; and if he will make a statement on the matter. [16200/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 149, 154 and 155 together.

I expect that consideration of the extended list of public bodies to be brought under the aegis of freedom of information during 2005 will be finalised in the coming weeks. I do not propose to make a further statement about individual bodies, pending the publication of the details of the extension.

Proposed Legislation.

150. Mr. Sargent asked the Minister for Finance if he will consider amending the benefit in kind tax incentive to reward efforts to reduce mileage instead of effectively encouraging greater distances to be travelled (details supplied). [16059/05]

Minister for Finance (Mr. Cowen): There are special rules for estimating the value of the benefit of cars provided by companies for the private use of employees. If one’s annual business mileage is 15,000 miles or less, the benefit of one’s car is calculated at 30% of the original market value. That figure is reduced in cases of higher annual business mileage. If the annual business mileage is over 30,000 miles, the cash benefit is calculated at 6% of the original market value of the car. The tapering of rates is designed to ensure that employees who need to travel significantly in the course of their work incur a lower benefit in kind charge based on their yearly mileage. There is no evidence to suggest that it encourages employees to increase artificially their business mileage to maximise their tax position. Employees are unlikely to countenance such an approach because it would result in additional costs for employers, for example, by means of extra fuel costs. I consider that the current scheme’s effect on the environment is relatively neutral.

Tax Code.

151. Dr. Upton asked the Minister for Finance if the demand for payment of capital gains tax by a person (details supplied) in Dublin 8 will be reviewed. [16094/05]

Minister for Finance (Mr. Cowen): A charge to capital gains tax arises in respect of chargeable gains accruing on the disposal of assets. Such gains are computed in accordance with the provisions of the Capital Gains Tax Acts. The charge extends to individuals, companies and unincorporated bodies of persons. Capital gains tax has no connection with income, which is the basis for income tax. There is no provision in the Capital Gains Tax Acts to exempt individuals whose sole income arises from disability allowance. Gains arising on the shareholdings of such taxpayers are liable to capital gains tax in the same manner as gains arising to other individuals. Shares in the company concerned, First Active, were chargeable assets. The gain realised on their sale for cash is a chargeable gain in the hands of the shareholder.

I have been advised by the Revenue Commissioners that, as many shareholders would not ordinarily be expected to be familiar with capital gains tax provisions, they decided to write to each of them to inform them of a potential tax liability arising from the disposal of the shares and how to make such a payment. They have further advised me that the taxpayer in question received such a letter which set out an estimate of the amount of capital gains tax due. The taxpayer has made the relevant payment to the Revenue Commissioners, which equates to a total of €359.80 from a total of €3,069 received from the sale of the shares. Her capital gains tax liability was calculated on the basis of the cash she received, which amounted to €3,069. Her allowable costs were nil because the shares were acquired at no cost, so her chargeable gain was €3,069. When her personal exemption of €1,270 was deducted, her net chargeable gain was €1,799. She was charged 20% of that, which amounted to €359.80.

The Revenue Commissioners have informed me that they do not intend to review the payment which has been made in the circumstances I have...
[Mr. Cowen.] outlined. However, one’s chargeable gain can be reduced by any allowable losses arising in 2004, along with any unused allowable losses following the disposal of assets chargeable to capital gains tax in any previous year. The documentation that has been issued to the person in question mentions that a special Revenue Commissioners helpline number is available if further assistance is required.

152. Mr. Deenihan asked the Minister for Finance the reason sight testing advice regarding the use of spectacles and the supply and repair of spectacles do not qualify as medical expenses against which tax relief may be claimed, particularly for persons whose jobs necessitate long hours spent working on computers and whose employers do not provide either free or cost-reduced sight testing; if he has plans to change this; and if he will make a statement on the matter. [16128/05]

153. Mr. Deenihan asked the Minister for Finance if the provision and maintenance of contact lenses qualify as a medical expense against which tax relief may be claimed; and if he will make a statement on the matter. [16129/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 152 and 153 together.

Under section 469 of the Taxes Consolidation Act 1997, income tax relief at a taxpayer’s marginal rate is available for health expenses incurred by a person on his or her behalf, or on behalf of his or her spouse and dependants. Expenses incurred in respect of routine ophthalmic treatment are explicitly excluded from the relief, however. That has been the case since the relief was introduced in 1967 because health expenses relief, which incorporates an annual de minimis amount, is broadly intended to provide assistance through the tax system in respect of significant or exceptional health expenses, but not those of a routine or more minor nature. Routine ophthalmic treatment means sight testing, advice about the use of spectacles or contact lenses and the provision and repairing of spectacles or contact lenses. I have been informed by the Revenue Commissioners that the inclusion of such items would cost an estimated €16 million per annum.

I have no plans to broaden the terms of the health expenses relief scheme. However, employees who make contributions to the pay related social insurance fund and satisfy the contribution criteria are entitled to treatment benefit, including dental, optical and hearing aid benefit, from the social insurance fund. An insured individual’s entitlements under the optical benefit scheme include a free spectacle sight test, a fixed contribution towards an eye examination for contact lenses, free glasses if frames covered by the scheme are selected or a fixed contribution towards the cost of glasses if frames other than the type covered are selected, replacement lenses for existing frames and a contribution towards the cost of contact lenses.

With regard to the details supplied by the Deputy, I understand that the Revenue Commissioners will amend immediately the information on the Internet version of their information leaflet IT6 and the health expenses claim form Med 1 to make it clear that, as is the case with spectacles, the provision and maintenance of contact lenses do not qualify for tax relief. The printed versions will be amended at the next available opportunity.

Questions Nos. 154 and 155 answered with Question No. 149.

156. Mr. N. O’Keeffe asked the Minister for Finance the reason a person (details supplied) in County Cork is now subject to payment of income tax; and if, in view of the demand for payment of tax, this person has been issued with tax credits. [16232/05]

Minister for Finance (Mr. Cowen): I have been informed by the Revenue Commissioners that a statement of amended liability for 2003 will issue soon to the person in question, showing a nil liability to tax.

Flood Relief.

157. Mr. N. O’Keeffe asked the Minister for Finance the reason for the ongoing delay in having compensation payments made to persons (details supplied) by the Irish Red Cross Society and whose businesses and private premises were damaged by flood waters in late 2004; and if he will make a statement on the matter. [16233/05]

Minister of State at the Department of Finance (Mr. Parlon): The cases to which the Deputy refers are among a small number of outstanding cases that were the subject of ongoing confidential consultation with the Irish Red Cross. I have been informed that the Irish Red Cross expects to finalise the cases within the next couple of weeks and payments will issue immediately thereafter. Payments under the humanitarian aid scheme are not compensation for losses but are intended to provide some relief from extreme hardship and to assist flood victims in restoring their lives to some semblance of normality.

Garda Stations.

158. Mr. Stagg asked the Minister for Finance if the revised sketch scheme for the transfer of a small portion of land at the front of the site for the new Leixlip Garda station in Leixlip, County Kildare to the Office of Public Works has been submitted to the Department of Justice, Equality and Law Reform for approval given that Kildare County Council has now approved it; when construction is likely to commence on the project; and if he will make a statement on the matter. [16296/05]

Minister of State at the Department of Finance (Mr. Parlon): It is understood that Kildare County Council has agreed in principle to the disposal of a plot of land adjacent to the site of the proposed new Garda station in Leixlip. The Office of Public Works is awaiting formal confirmation of this decision and the terms and con-
ditions attaching to it. If the Office of Public Works can meet the terms and conditions relating to the disposal of the site, a revised sketch scheme reflecting the expanded development site can be issued to the Department of Justice, Equality and Law Reform for approval.

**Departmental Properties.**

159. Mr. Timmins asked the Minister for Finance if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16299/05]

160. Mr. Kenny asked the Minister for Finance if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16401/05]

161. Mr. Kenny asked the Minister for Finance if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16401/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 159 and 161 together.

The following table provides the information requested about the relevant assets disposed of by the Department of Finance. The assets were disposed of by competitive process and the proceeds were paid into the Exchequer. The Office of Public Works is compiling information about the assets which it disposed of. It will forward the information directly to the Deputies.

<table>
<thead>
<tr>
<th>Description of asset disposed</th>
<th>Location of asset</th>
<th>Date of sale</th>
<th>Name of purchaser</th>
<th>Price</th>
<th>€ million</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICC Bank plc.</td>
<td>Ireland</td>
<td>February 2001</td>
<td>Bank of Scotland</td>
<td>322.3</td>
<td></td>
</tr>
<tr>
<td>TSB Bank</td>
<td>Ireland</td>
<td>March 2001</td>
<td>Irish Life and Permanent</td>
<td>407.6</td>
<td></td>
</tr>
<tr>
<td>ACC Bank</td>
<td>Ireland</td>
<td>February 2002</td>
<td>Rabobank Nederland</td>
<td>154.6</td>
<td></td>
</tr>
</tbody>
</table>

**Flood Relief.**

160. Mr. Healy asked the Minister for Finance the position regarding the Clonmel flood alleviation scheme; when his Department’s proposals will be completed; when the promised statutory consultation process will commence; and if he will make a statement on the matter. [16372/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Proposals to alleviate the serious flooding risks for the River Suir in Clonmel have been developed by the Office of Public Works and will be placed on public exhibition, as required by the Arterial Drainage Acts, on 31 May 2005. The exhibition will be held at the borough council offices in Clonmel and will last for four weeks. The proposals will invite comment from all interested parties during this time. All observations received will be carefully considered before the next stage of the process, which includes the detailed design of the scheme and confirmation by the Minister for Finance, takes place.

*Question No. 161 answered with Question No. 159.*

**Tax Code.**

162. Aengus Ó Snodaigh asked the Minister for Finance the cost to the Exchequer of the artists tax exemption under the Finance Act 1969 for the past five years, according to profession; and the number of artists by profession availing of the exemption. [16528/05]

**Minister for Finance (Mr. Cowen):** I assume that the Deputy is seeking information about the cost to the Exchequer of the exemption of certain earnings of writers, composers and artists by reference to artistic category and the number of artists in each category claiming the exemption. I have been informed by the Revenue Commissioners that the relevant available information relates to the overall annual cost to the Exchequer of the exemption and the total numbers of claimants as included in income tax returns filed for the five income tax years between the 1998-99 tax year and the 2002 tax year, the latest tax year for which information is available. The available information is contained in the following table:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Number</th>
<th>Estimated cost</th>
<th>€ million</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998-99</td>
<td>900</td>
<td>24.5</td>
<td></td>
</tr>
<tr>
<td>1999-2000</td>
<td>940</td>
<td>29.9</td>
<td></td>
</tr>
<tr>
<td>2000-01</td>
<td>1,200</td>
<td>37.1</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>1,323</td>
<td>23.5</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>1,540</td>
<td>22.6</td>
<td></td>
</tr>
</tbody>
</table>

The estimate of cost provided for 2002 is provisional and subject to revision. A breakdown of the figures by artistic category is not available. The Deputies may wish to know that, under freedom of information legislation, the Revenue Commissioners publish details on their website of individuals who have been granted a determination allowing them to claim the artists exemption in respect of income earned from the sale of their works. The names of those qualifying for the relief with effect from the 21 April 1998 are available on the website, www.revenue.ie. The list is set out in alphabetical order in each of the five categories of work covered by the exemption — a book or other writing, a play, a musical composition, a painting or like picture, or a sculpture. The list is updated on a quarterly basis.
As PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for the short year on 74% of the profits earned in a 12-month accounting period, data provided for the short tax year of 2001 may not be directly comparable with those of earlier and later years. A married couple that elected or was deemed to have elected for joint assessment is counted as a single tax unit.

Alternative Energy Projects.

163. Mr. Sargent asked the Minister for Communications, Marine and Natural Resources if he will examine the level of grant assistance and other incentives in countries which are successfully harnessing renewable energy such as solar panels in house construction; and if he will use fiscal measures to incentivise renovation of existing buildings and the incorporation of energy efficiency and renewable energy measures in construction generally. [16060/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Sustainable Energy Ireland, which was established as a statutory agency in May 2002, implements renewable energy and energy efficiency initiatives on behalf of the Department of Communications, Marine and Natural Resources. Its officials attend regular meetings and seminars at EU and international level to keep Ireland benchmarked on best international practice in a range of renewable and sustainable energy areas, including the question of incentivising the deployment of renewable energy technologies. I will ask Sustainable Energy Ireland to consider the issues raised in the first part of the question.

Since 2002, Sustainable Energy Ireland’s “House of Tomorrow” programme has provided funding to encourage developers in the private and social housing sectors to deliver improvements in the quality of energy features in Irish housing. The focus of the programme is to stimulate the widespread uptake of superior sustainable energy planning, design, specification and construction practices in the new home building and home improvement markets.

Funding of up to €5,000 per unit is provided for groups of five or more housing units. The level of funding is related to improvements in energy and carbon dioxide performance in a unit, relative to established norms such as building regulations. Under the programme, developers are required to incorporate a number of design and technology features from an extensive menu of options including heat generation, distribution and control and insulation. A total of 39 projects comprising 1,818 housing units have been approved to date, including 344 solar thermal units, 143 heat pump units and 35 solar PV units. No grant system is in place for the purposes of installing renewable energy in existing or individual housing units.

The EU energy performance in buildings directive will require all buildings offered for sale or rent to be accompanied by an energy rating certificate that will provide an energy rating for the building, as well as recommendations on measures which could improve the building’s energy performance. The directive sets new energy performance standards for construction of new buildings and the renovation of existing larger buildings. It requires that renewable energy systems be considered in the construction of larger buildings. The purpose of the directive is to improve substantially energy performance in all buildings by establishing new construction standards and increasing the general level of awareness of energy efficiency and renewable energy in buildings. An action plan for implementation of the directive was published on 27 April last for public consultation. It is available on Sustainable Energy Ireland’s website, www.sei.ie.

Decentralisation Programme.

164. Mr. Walsh asked the Minister for Communications, Marine and Natural Resources if accommodation will be arranged for the 180 staff who volunteered in 2004 to transfer to Clonakilty under the decentralisation programme; and if he will make a statement on the matter. [16477/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The latest information from the Public Appointments Service indicates that 176 expressions of interest had been received for posts decentralising to Clonakilty. Some 140 of the expressions of interest relate to the 91 departmental posts and 36 for the 93 Bord Iascaigh Mhara posts which are included in the Government’s programme. The Office of Public Works is responsible for providing accommodation for the services to be relocated to Clonakilty. The Department is in ongoing liaison with Office of Public Works about the acquisition of a suitable site for the Department and Bord Iascaigh Mhara. The Office of Public Works advises that the site acquisition process is at an advanced stage.

We have provided a comprehensive and detailed specification of our accommodation requirements to the Office of Public Works to assist with the building design element. The decentralisation implementation group has indicated in its latest report that the anticipated timeframe for completion of facilities in Clonakilty is early 2007. The Department is working with the Office of Public Works and the Department of Finance towards delivery on that timescale.

Ferry Services.

165. Mr. Ferris asked the Minister for Communications, Marine and Natural Resources if a feasibility study by a company (details supplied) on a ferry link between Blacksod Bay and Achill Island promised in 2002, has been completed; and if so will he make it available. [16531/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): A study of the feasibility of a ferry service linking Achill Island and the Erris
Fishing Vessel Licences.

166. Mr. Ferris asked the Minister for Communications, Marine and Natural Resources the negotiations which have taken place with other member states in relation to re-division of total allowable catch under the Common Fisheries Policy. [15934/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): This licensing scheme, which was implemented back in 1991, was designed to accommodate the entry of 20 large whitefish boats into the fishing fleet to exploit under-utilised whitefish quotas off the south and west coasts. I understand that the principal criteria for assessment of applications under the scheme related to the economic viability of the project, physical characteristics of the vessel, area of operation, target species, proposed fishing methods, record of the applicant, in terms of qualifications, experience and training and net additional employment generated. Applicants also had to demonstrate that the project was of genuine benefit to the economy as a whole.

Common Fisheries Policy.

167. Mr. Ferris asked the Minister for Communications, Marine and Natural Resources the negotiations which have taken place with other member states in relation to re-division of total allowable catch under the Common Fisheries Policy. [15935/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In the negotiations on the review of the Common Fisheries Policy in 2001 and 2002, Ireland sought substantial changes to the policy, including a review of the member states shares of total allowable catches, TACs. The reform package, agreed in December 2002, included key national priorities such as the continuation of the Hague quota preferences, an action plan to address the problem of juvenile fish catches, stronger control and enforcement and new regional advisory councils giving fishermen a strong voice in shaping future fisheries policy at EU level. However, Ireland received no support from other member states for changes in the allocation keys for the share out of stocks. The percentage shares held by each member state have generally remained the same for some 20 years under the principle of relative stability.

The practical reality is that to achieve an increase in Ireland’s share of TACs, other member states would have to take a cut in their share. This is all the more difficult to achieve when TACs of all the main commercial species are falling and the reality is that achieving a qualified majority for such an outcome at the Fisheries Council is not deliverable.

The Common Fisheries Policy, as reformed in 2002, provides that the interests of each member state are taken into account for new allocations. In this regard Ireland has secured a quota of 125 tonnes of the new EU total allowable catch of 1,000 tonnes of snowcrab in Greenland waters. My officials are continuing to examine the possibilities in relation to new fishing opportunities that could be exploited by Irish fishermen.

Fishing Industry Development.

168. Mr. Ferris asked the Minister for Communications, Marine and Natural Resources the projects which have been funded or approved for funding in the past three years under the EU fishery funds for peripheral areas and the west coast. [15936/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In the period 2002 to date financial instrument for fisheries guidance, FIFG, grant aid has been paid under the supporting measures for sea fisheries development (towards innovation and sustainability in the fisheries sector) and the fishing fleet development measure of the productive sector operational programme and the aquaculture development measures of the Border, midland and west and south and east regional operational programmes of the National Development Plan 2000-06.

The following table sets out the number of projects approved and funded for the period January 2002 to date under the three operational programmes in the peripheral areas and the west coast.

<table>
<thead>
<tr>
<th>Measure</th>
<th>No. of Projects Approved</th>
<th>Total Grant Approved</th>
<th>EU National</th>
<th>No. of Projects Paid</th>
<th>Total Grant Paid</th>
<th>EU National</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture Development</td>
<td>13</td>
<td>€3,772,866</td>
<td>€3,231,253</td>
<td>€541,613</td>
<td>€1,819,289</td>
<td>€1,580,743</td>
<td>€238,546</td>
</tr>
<tr>
<td>Fleet Development</td>
<td>316</td>
<td>€14,437,981</td>
<td>€12,318,064</td>
<td>€2,119,917</td>
<td>€11,398,406</td>
<td>€9,730,399</td>
<td>€1,668,007</td>
</tr>
<tr>
<td>Supporting Measures</td>
<td>43</td>
<td>€11,288,096</td>
<td>€8,680,232</td>
<td>€2,607,864</td>
<td>€6,316,598</td>
<td>€4,786,898</td>
<td>€1,529,700</td>
</tr>
</tbody>
</table>

169. Mr. Ferris asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the system that is in place to fund, and the amount of funding allocated, to the regional advisory council for the north west and the regional advisory council for the pelagic sector, in particular the amount available for research work by each council. [15937/05]
Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Council decision of 19 July 2004 establishing regional advisory councils, RACs, provides for a maximum Community contribution of €200,000 for each RAC to its operating costs for its first year of operation, reducing gradually to €110,000 for the fifth year of operation. This contribution shall be in respect of costs necessary to ensure the normal operation of RACs and to enable them to pursue their aims, but shall not exceed 90% of the operating budget of the RAC. There is a further Community allocation of up to €50,000 per year for each RAC to cover interpretation and translation costs. Additional funding may also be provided by the administrations and from the industries of the member states participating in the RAC. The budgets of the RACs referred to have yet to be finalised. Any spending on research work by an individual RAC will be a matter for that RAC to decide from the resources available to it.

Harbours and Piers.

170. Mr. P. Breen asked the Minister for Communications, Marine and Natural Resources if he will meet a small deputation (details supplied) to discuss the calculation for fees for oil tankers in the Shannon Estuary; and if he will make a statement on the matter. [15938/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): This matter relates to Council Regulation (EC) No. 2978/94 on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers. The objective of the regulation is to encourage the use of environmentally friendly tankers and the use of segregated ballast tanks in oil tankers. The regulation introduced a differential calculation system for fees for oil tankers to be followed by port, harbour and pilotage authorities in order to reach the objective of the regulation.

An individual has, on a number of occasions, complained to the Department about the implementation of the above regulation and its effects on fees payable to pilots operating at Shannon Foynes Port Company. Based on legal advice received, the Department is satisfied that it is a matter for Shannon Foynes Port Company to apply the regulation and that there has been no breach of the regulation.

The Office of the Ombudsman received a complaint from an individual in relation to the implementation of the regulation. Following consideration of the complaint the Office of the Ombudsman informed the Department, inter alia, by letter dated 2 March 2004, that it had advised the complainant that it was clear that the Department acted in accordance with its legislative requirements and that the Ombudsman regarded the case as closed. In light of the above, I do not believe that any purpose would be served by my meeting the deputation referred to by the Deputy.

Inland Fisheries.

171. Mr. O’Shea asked the Minister for Communications, Marine and Natural Resources if he will review the situation whereby all commercial drift net salmon licences cost the same irrespective of the number of tags allocated to the licence holder; and if he will make a statement on the matter. [16022/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Primary responsibility for the allocation of commercial salmon fishing licences is a matter for the relevant regional fisheries board in accordance with the prescribed criteria laid down under the Control of Fishing for Salmon Order 2005. This licence entitles fishermen to fish for salmon in a specified fishery district. The duty payable for a commercial salmon fishing licence has never been linked to the level of exploitation by the licence holder.

Under the wild salmon and sea trout tagging scheme regulations 2005, the fisheries boards are also responsible for managing the allocation of tags to commercial salmon fishing licence holders. The decision on the allocation of tags to each fisherman is made by the relevant fishery district committee, which includes representatives of all the commercial fishermen in the district, in line with the quota for that particular district specified in the regulations. Furthermore, I am advised by the fisheries boards that all licensed fishermen effectively determine their own tag allocation on the basis of their fishing effort each season within the confines of the relevant district quota.

As a result, I have no proposals to review the cost of commercial salmon fishing licences to take account of the numbers of tags allocated to individual fishermen by the fisheries boards. All proceeds from the sale of such licences contribute to the revenues of the central and regional fisheries boards and are reinvested by the boards directly into the ongoing management and development of the inland fisheries resource.

Postal Services.

172. Mr. Grealish asked the Minister for Communications, Marine and Natural Resources when the employees of An Post will receive the increases due to them under the various national wage agreements. [16043/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): An Post is a commercial State body and the question of pay increases in the company is one in which I have no function. An Post has a remit to be financially viable and following significant losses, which amounted to €43 million in 2003 alone, An Post management invoked the inability to pay clause provided for in Sustaining Progress.

The key challenge for the company is to return to long-term financial stability. In this regard, An Post unions and management are involved in intensive negotiations with the assistance of the State’s industrial relations machinery in a bid to agree a recovery plan that will put the company
on a sound footing. The question of Sustaining Progress related payments are being addressed in the Labour Relations Commission brokered process. An agreement on a viable recovery plan will enable An Post to deliver quality services to our citizens, while at the same time providing sustainable well-paid employment for its staff.

Departmental Charges.

173. Mr. Kenny asked the Minister for Communications, Marine and Natural Resources further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16096/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department, in consultation as necessary with the Office of the Attorney General, is carrying out a review of the legal basis for charges and fees levied by the Department and will also review the legal basis for charges and fees levied by agencies under its remit. The outcome of this review will be submitted to me as soon as possible.

EU Directives.

174. Mr. Morgan asked the Minister for Communications, Marine and Natural Resources when the EU directive on the necessity for proper sewage treatment plants to ensure pollution-free shellfish will be implemented; the role his Department has in this regard; and if he will make a statement on the matter. [16217/05]

Minister for Communications, Marine and Natural Resources (Mr. Gallagher): I assume that the directive to which the Deputy is referring is Council directive of 30 October 1979 on the quality required of shellfish waters, 79/923/EEC. This directive was transposed in Ireland by the Quality of Shellfish Waters Regulations, 1994, S.I 200 of 1994, as amended by the Quality of Shellfish Waters (Amendment) Regulations, 2001, S.I 459 of 2001. The regulations require the establishment of programmes to ensure that designated waters conform to the quality standards specified in the regulations. There are 14 such areas at present, and steps are being taken, as a matter of priority, to ensure that programmes are put in place in respect of these areas. Work is in train also on proposals for the designation of further areas.

Salmon Management.

175. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the sanctions in place to deal with those found in breach of lice control on salmon farms; if he intends to introduce harsher penalties for those found guilty of poor lice control; and the number of persons who have been sanctioned for poor lice control according to the latest available figures (details supplied). [16279/05]

176. Mr. Perry asked the Minister for Communications, Marine and Natural Resources if he will change the treatment trigger figure for the critical period on salmon farms in order that one figure will be in place and not two; if he will impose a zero lice level in the critical spring period; if he will substantially lower the level 2.0 for ovigerous lice outside of the critical period; if he will extend the critical period of March, April and May to allow for fluctuations in the weather and the timing of the sea trout migration to sea; and if he will impose a stricter regime of lice control in autumn and winter before the onset of the critical period (details supplied). [16280/05]

177. Mr. Perry asked the Minister for Communications, Marine and Natural Resources if he will set lice limits for each salmon farm and not treatment triggers (details supplied). [16281/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 175 to 177, inclusive, together.

A structured national monitoring and control programme for sea lice at marine fin-fish farms is operated on behalf of the Department by the Marine Institute in accordance with the protocol for sea lice monitoring and control that was published by the Department in 2000. The programme involves the carrying out of 14 inspections a year at each site containing fish. One inspection is carried out in the period December to January, two inspections per month are undertaken in the period from March to May, and one inspection per month is carried out during the rest of the year. The key purpose of these inspections is to establish whether the lice levels at a site are in excess of the very strict trigger levels that are applied in this country. If the appropriate trigger level is exceeded, the operator of the site is required to apply an appropriate treatment with a view to effecting a reduction in the lice levels.

Treatment triggers during the spring period are set close to zero, in the range from 0.3 to 0.5 egg bearing female lice per fish, and are informed also by the number of mobile lice on the fish. Outside the spring period, a level of two egg-bearing lice per fish acts as the trigger for farms generally.

I am advised that experience has shown that the trigger levels set out in the protocol, which are the most stringent in any salmon producing country, are appropriate and represent a sound balance between protection of the environment, including wild fish stocks, animal welfare issues and proper use of animal medicines. Accordingly there are no proposals at present for alteration of these levels.
The critical period for sea trout smolt migration is, as indicated in the report of the sea trout task force and reiterated in subsequent reports of the sea trout working group, from February to the middle of May. Peak runs occur in mid-March, with smaller numbers of smolts migrating to sea both before and after that time. I am advised that the timing of these runs is consistent from year to year. In these circumstances, and as the monitoring and control programme already has a particular focus on the period from March to May, it is not proposed to extend that period.

The focus, therefore, is on endeavouring to ensure, in accordance with the provisions of the protocol, that lice levels at fish farms are kept as low as possible. This objective will be pursued through both the ongoing monitoring and control processes set out in the protocol and specific initiatives such as the programme of synchronous treatments undertaken by farms before the critical period, following engagement between the operators and officials of the Department and the Marine Institute. The position will, however, be kept under review, and the process of monitoring and control will be modified as necessary if it transpires in light of experience that adjustments or changes to the protocol arrangements are required.

If there was a failure on the part of a farm operator to comply with relevant requirements of the protocol, or to co-operate in taking the action necessary to reduce lice levels, the question of taking action against the operator concerned would fall to be considered. Possible forms of action mentioned in the protocol include conditional fish movement orders, and accelerated harvests. Another possibility would be a prosecution in accordance with the Fisheries Acts, where adherence to the protocol is a condition of the aquaculture licence for the fish farm concerned.

**Departmental Properties.**

178. Mr. Timmins asked the Minister for Communications, Marine and Natural Resources if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16300/05]

181. Mr. Kenny asked the Minister for Communications, Marine and Natural Resources if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past 10 years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16402/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 178 and 181 together.

I have provided the information requested in respect of land and buildings disposed of under the headings of foreshore and the fishery harbour centres. My Department is assessing the possible scope for a further more detailed reply in relation to disposals, if any, of other assets over the period, subject to the availability of the relevant information within my Department and the availability of resources to collate the information.

The following areas of foreshore were sold in the last ten years under the State Property Act.

<table>
<thead>
<tr>
<th>Date of Sale</th>
<th>Location</th>
<th>Purchaser</th>
<th>Purchase Price</th>
<th>Area Sold</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/06/1995</td>
<td>Dunkettle, Co. Cork</td>
<td>Cork Corporation</td>
<td>€51,026</td>
<td>7.7 acres</td>
</tr>
<tr>
<td>29/06/1995</td>
<td>River Lee Tunnel</td>
<td>Cork Corporation</td>
<td>€438,060</td>
<td>56.77 acres</td>
</tr>
<tr>
<td>31/01/1996</td>
<td>Cullentra, Co. Wexford</td>
<td>Wexford Harbour Commissioners</td>
<td>€1,905</td>
<td>0.42 acres</td>
</tr>
<tr>
<td>05/11/1996</td>
<td>Haggerdstown, Co. Louth</td>
<td>Louth County Council</td>
<td>€6,349</td>
<td>40m²</td>
</tr>
<tr>
<td>19/12/1996</td>
<td>Bunratty, Co. Clare</td>
<td>John &amp; Bernadette O’Connell</td>
<td>€7,491</td>
<td>0.2 acres</td>
</tr>
<tr>
<td>09/01/1998</td>
<td>Knockadoon Pier, Co. Cork</td>
<td>Cork County Council</td>
<td>€1,524</td>
<td>0.1 acres</td>
</tr>
<tr>
<td>21/04/1999</td>
<td>Lenaboy, Salthill</td>
<td>Mayor Aldemen &amp; Burgess of the County, Borough of Galway</td>
<td>€6,349</td>
<td>11 acres, 2 roods 25 perches</td>
</tr>
<tr>
<td>18/04/2000</td>
<td>Deepwater Quay, Sligo</td>
<td>Sligo Harbour Commissioners</td>
<td>€1,097</td>
<td>8.156 acres</td>
</tr>
<tr>
<td>11/05/2000</td>
<td>Malahide</td>
<td>Malahide Marina Village Ltd</td>
<td>€580,397</td>
<td>4.82 acres</td>
</tr>
<tr>
<td>27/11/2001</td>
<td>Clonroad, Ennis, Co. Clare</td>
<td>Thomas McGrath Avonlea, Francis St., Clonroad, Ennis, Co. Clare</td>
<td>€12,697</td>
<td>0.08 acres</td>
</tr>
<tr>
<td>12/2001</td>
<td>Steamboat Quay, Limerick</td>
<td>Steamboat Developments Ltd.</td>
<td>€419,014</td>
<td>0.057 acres</td>
</tr>
</tbody>
</table>

The proceeds of these sales were brought to credit as appropriation-in-aid of the Department’s Vote and were therefore surrendered to the Exchequer. In addition, the following sites at fishery harbour centres were sold and the proceeds from the sales were lodged to the fishery harbour centres fund in accordance with the provisions of the Fishery Harbour Centres Act 1968, as amended. Section 9 of this Act specifies that all such moneys should be paid into the fishery harbour centres fund.
These sales were in accordance with the provisions of the Fishery Harbour Centres Act 1968, as amended and based on independent valuations.

**Inland Fisheries.**

179. **Mr. Howlin** asked the Minister for Communications, Marine and Natural Resources if fishing licences are being issued by his Department in respect of the River Nore; the number of licences that have been issued; the procedure for applying for such licences; and if he will make a statement on the matter. [16324/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Primary responsibility for the protection, development, conservation and management of inland fisheries, including the allocation of commercial salmon fishing licences, is a matter for the relevant regional fisheries board, in this case the Southern Regional Fisheries Board. The board allocates fishing licences in accordance with the prescribed criteria laid down under the Control of Fishing for Salmon Order 2005. As the Department has no role in the allocation of such licences, I have forwarded the Deputy's query to the chief executive officer of that board and asked him to reply directly in the matter.

**Port Development.**

180. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources if he will report on the questions raised with the Dublin Port Company in relation to its decision to facilitate one private consortium (details supplied) in tendering for the national conference centre without its going through the normal tendering process and without giving other companies and consortia the opportunity to bid for similar facilitation; if he will further report on the response to such questions; his views on whether the private sale arrangement entered into by the Dublin Port Company breaches the code of practice for the governance of State bodies. The primary issue at stake from the point of view of the Department is ensuring compliance by the company with the applicable legislation and the code of practice for the governance of State bodies. The primary responsibility for complying with the code of practice is a matter for the company. In this regard, the company has confirmed to the Department that it is adhering to the code of practice. Based on the information provided to the Department, I have no reason, at this time, to request further information from the company in relation to this matter.

**Question No. 181 answered with Question No. 178.**

**Telecommunications Services.**

182. **Mr. Walsh** asked the Minister for Communications, Marine and Natural Resources his plans to further roll-out the metropolitan area network to additional towns throughout the country; and if he will make a statement on the matter. [16464/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The provision of broadband facilities is a matter in the first instance for the private sector telecommunications companies operating in a fully liberalised market. A number of factors determine where and when broadband services are offered in any area, including the potential number of customers, the level of investment required and so on. My Department's regional broadband programme is addressing the infrastructure deficit, in co-operation with the local and regional authorities. The programme is building high-speed open access broadband networks in almost 120 cities and towns that will be used by the private sector companies to offer services at competitive prices.

My Department is in close contact with the local and regional authorities, in association with
whom the regional broadband programme is rolling out metropolitan area networks in 120 towns and cities. An indicative €200 million is being made available from Government and European regional development fund funds under the National Development Plan 2000-2006 for the development of suitable broadband infrastructure that will enable the provision of services in all areas by the private sector.

Close and continuous contact is also maintained with the telecommunications sector, through the Telecommunications and Internet Federation, the Alternative Licensed Telecoms Operators and with individual service providers, regarding broadband developments. My Department and I also work closely with regional development agencies, relevant Departments, chambers of commerce and other sectoral interests.

Departmental Charges.

183. Mr. Allen asked the Minister for Foreign Affairs further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16006/05]

Minister for Foreign Affairs (Mr. D. Ahern):
The Diplomatic and Consular Fees (Amendment) Regulations, 2004, SI 82 of 2004, lists the passport and consular fees charged by the Department of Foreign Affairs in Ireland and at our diplomatic and consular missions abroad. These fees include charges for passports, visas, work and working holiday authorisations, letters of freedom for Irish citizens wishing to marry abroad as well as for oaths, affidavits and the performance of notarial acts at our missions. The Department also charges fees in connection with applications for Irish citizenship by foreign births registration. The fees for this service are set by foreign birth regulations, SI 341 of 1988, provided for in the Irish Nationality and Citizenship Acts 1956 to 2004.

My Department recently carried out a review of the legal basis for the charges and fees it levies. I am satisfied that there is an adequate legal basis for these fees. The charges collected under the Freedom of Information Acts 1997 and 2003 are based upon fees prescribed by the Minister for Finance.

Human Rights Issues.

184. Mr. Gormley asked the Minister for Foreign Affairs if, in view of the fact that the European Union has not to date explicitly stated that it will not accept any outcome of the SPDC sponsored national convention unless the minimum democratic standards are met and will not attend the Asia regional forum and ASEAN post ministerial meetings if Burma chairs ASEAN in 2006 unless an accountable government is in place. [16219/05]

Minister for Foreign Affairs (Mr. D. Ahern):
The Government has consistently condemned the lack of progress towards democracy in Burma and the continuing abuse of human rights and fundamental freedoms in that country. Together with our EU partners, we remain gravely concerned about the continuing house arrest of Daw Aung San Suu Kyi, other opposition activists and a number of MPs elected in 1990. Regarding the outcome of the National Convention, now adjourned until an unspecified date in the autumn, it is clear that an eventual outcome falling short of minimum democratic standards would not be acceptable to Ireland or the EU.

While the members of ASEAN generally defend the principle of non-interference in each other's internal affairs, concern that the rotating chairmanship of the organisation is due to be held by Burma in 2006 has been growing in a number of its members. The ASEAN foreign ministers held an informal meeting in the Philippines on 11 and 12 April 2005 and agreed to defer a decision on this issue until their formal ministerial meeting in Laos in July. On 20 April, the Philippines Senate unanimously approved a resolution that Burma should not assume the chairmanship of ASEAN in 2006 unless there had been an improvement in the human rights situation, including the freeing of Aung San Suu Kyi. Ireland and our EU partners would, however, wish to see Burma's neighbours pressing much more strongly for progress towards democracy in that country.

At the seventh ASEM foreign ministers meeting, held at Kyoto from 6-7 May 2005, EU ministers, and ministers from the ASEAN member states, as well as those from China, Japan and Korea, renewed their call for the lifting of all restrictions and the development of the democratisation process in Burma at the earliest possible time with the involvement of all the parties concerned. Ministers also called on the Government of Burma to grant access to the special representative of the UN Secretary General, Mr. Razali Ismail, and to continue co-operation with other relevant UN agencies.

On 11 May 2005, the European Parliament passed a resolution calling for the EU to state that it will not participate in the ASEAN regional forum, the ASEAN post-ministerial meeting and other ASEAN meetings and events should Burma become the chair of ASEAN in 2006 without meeting any of the minimum conditions laid down at the sixth ASEM foreign ministers meeting in Kildare, which took place in April 2004.

The EU will now await the outcome of the ASEAN foreign ministers meeting in Laos in July before taking a decision on the question of the Union’s presence or otherwise at the ASEAN regional forum and ASEAN post ministerial
meetings during 2006. We are aware that the United States has said that it would not attend ASEAN-related meetings with Burma in the chair. However, it is appropriate in the context of EU-ASEAN relations to allow for further discussion of this issue in ASEAN before coming to a decision on the EU’s position.

**Departmental Properties.**

185. Mr. Timmins asked the Minister for Foreign Affairs if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16301/05]

186. Mr. Kenny asked the Minister for Foreign Affairs if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16403/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 185 and 186 together.

My Department has disposed of only one asset, a property, in the period of time specified. The ambassador’s official residence in Lagos, Nigeria, was sold in February 2002 for the equivalent of €1,446,315. The buyer was a Mr. Tein George of the company Dominion Capital Trust Limited. The proceeds of the sale were transferred to the Department of Finance as extra Exchequer receipts. The property was sold when the embassy in Nigeria was required to transfer to the new federal capital, Abuja.

**Sports Capital Programme.**

187. Mr. Naughten asked the Minister for Arts, Sport and Tourism if he will approve a sports capital grant for a club (details supplied) in County Roscommon; and if he will make a statement on the matter. [16058/05]

**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 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.

**Departmental Charges.**

188. Mr. Deenihan asked the Minister for Arts, Sport and Tourism if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16209/05]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** There are three agencies under the aegis of my Department that either charge or have the right to charge fees. These are Fáilte Ireland, the National Concert Hall and the National Gallery. I am satisfied that there is a legal basis for any such charges.

**Departmental Properties.**

189. Mr. Timmins asked the Minister for Arts, Sport and Tourism if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16302/05]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** Since the establishment of my Department in June 2002 no assets worth more than €100,000 have been sold by my Department.

**Fáilte Ireland.**

190. Ms O. Mitchell asked the Minister for Arts, Sport and Tourism if he has received the recommendation, as threatened by management by letter to each worker, that money due under benchmarking in June 2005 be withheld from Fáilte Ireland staff; and if he has responded to defuse this row at such a crucial time of the year for the industry. [16323/05]

**Minister for Arts, Sport and Tourism (Mr. O’Donoghue):** I understand that in accordance with the terms of the verification process in place under Sustaining Progress the chief executive of Fáilte Ireland has decided that he is not in a position at this point in time to recommend payment of the benchmarking and general round payments to certain staff in the organisation which fall due for payment from 1 June 2005. This is on the basis that he does not consider that sufficient progress has been made in the implementation of the agency’s agreed action plan under Sustaining Progress with regard to the commitment to full cooperation to the transfer of functions between the properties of the organisation.

This decision arises out of the procedures agreed by the parties to Sustaining Progress and in accordance with these procedures it is a matter for decision by the chief executive officer concerned. As the machinery for dealing with such matters is set out in Sustaining Progress I consider that it would not be appropriate for me to intervene.
Departmental Properties.

191. Mr. Kenny asked the Minister for Arts, Sport and Tourism if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16404/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): My Department does not own any land or buildings and consequently did not dispose of any such assets since its establishment in June 2002. Some assets such as office machinery, furniture and fittings which had a nominal book value or were fully depreciated have been disposed of during this period. These were accounted for as appropriate in my Department’s annual appropriation accounts.

Consumer Protection.

192. Mr. Bruton asked the Minister for Enterprise, Trade and Employment if proposals are being developed to require persons touting for business by dropping leaflets to provide addresses and land line telephone numbers in order better to protect the public. [15946/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The practice of businesses dropping leaflets into peoples’ homes offering goods or services is common. These leaflets are usually a form of advertising and sometimes addresses and land line numbers are provided and sometimes there is a mobile number. In either case consumers who are interested in the particular goods or services can contact the promoter for further details and if the address and/or land line number is not provided the consumer can ascertain this from speaking to the provider of the goods or services via mobile phone.

However the European Communities (Protection of Consumers in Respect of Contracts made by Means of Distance Communication) Regulations, S I 207 of 2001, might apply in certain circumstances. These regulations apply to contracts made by “means of distance communication” and these include unaddressed and addressed printed matter. The regulations protect the consumer by obliging suppliers to provide information on the identity of the supplier, the address — where payment is made in advance — the price and characteristics of the goods or services, the delivery costs, etc. For these regulations to apply, however, the contract has to be made making exclusive use of one of more of the means of distance communication. For example, if the consumer followed up on the leaflet and telephoned the mobile phone of the supplier and made the contract over the phone the regulations would apply. Failure by the supplier to provide the information required by the regulations constitutes an offence. The regulations are enforced by the Director of Consumer Affairs.

As with all transactions I urge consumers to obtain as much information as they feel they need before committing themselves to purchase anything. If people are concerned about fraud in these situations I am pleased to inform the Deputy that the Director of Consumer Affairs in March of this year launched a fraud awareness campaign which aims to help consumers to stop, think and check out unsolicited offers prior to parting with money or personal financial information.

Departmental Appointments.

193. Mr. Costello asked the Minister for Enterprise, Trade and Employment the details of interview procedures for recruitment to his Department; and if there is separate membership of interview and appeals boards; and if he will make a statement on the matter. [15983/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Recruitment to all permanent posts at the Department of Enterprise, Trade and Employment is undertaken on behalf of the Department by the public appointments service, PAS. This process typically involves candidates undertaking a minimum of one competitive interview by an interview board established by the PAS. Candidates for competitions run by PAS also need to satisfy certain qualifying criteria before being invited for interview.

The members on interview boards are sourced by the PAS from, in the main, across the Civil Service with each member having received appropriate formal interview training prior to sitting on an interview board. For certain technical or professional level posts interview board members may also be sourced from the private sector. Every effort is made to ensure that the interview board is gender balanced.

The PAS considers appeals from candidates made in writing within five working days of receipt of the notification of the decision. On receipt of the appeal, the selection decisions are revisited and the candidate is informed of the outcome of the review.

Interviewing undertaken directly by the Department of Enterprise, Trade and Employment is only for temporary posts, generally at cleaner level. The interview board for these posts normally comprises of three members, one being from the Department’s personnel unit. It is departmental policy to ensure that, where possible, such boards are gender balanced.

Depending on the number of posts on offer the interview board may establish a panel of successful candidates, placed in order of merit, from which to fill current and any future vacancies that may arise in the particular post. Such a panel will normally run for one year from the date of interviews.

There is no formal appeals process following such interviews. Once the personnel unit is satisfied that correct procedures have been adhered to by the interview board, the decision of the interview board is final.
Departmental Charges.

194. Mr. Kenny asked the Minister for Enterprise, Trade and Employment further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16005/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Further to the publication of the Travers report, the implications of the report have been considered and discussed by my Department's management board, by the assistant secretaries with their senior staff, and at the Department's recent senior management conference. A formal review of the legal basis for all charges and fees levied by my Department is a key response requirement of my Department to the Travers report, and as such will form part of a comprehensive response to the report over the coming months.

Job Losses.

195. Mr. Ferris asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the recent job losses in manufacturing in Listowel, County Kerry, due to the closure of a plant (details supplied); and the measures being taken to attract new investment to Listowel and north Kerry as a consequence. [16044/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by the Industrial Development Authority that, as a result of competitive pressures and a reduction in product demand, the company in question announced a restructuring plan in February of last year which would have seen over half of its workers made redundant. I understand from that the plan was rejected by the workers and the company took the decision to close the plant.

North Kerry continues to be promoted by IDA Ireland to potential investors from the manufacturing and international services sectors and every effort is being made to secure new investments for the area. The agency's strategy for the area is concentrated on developments in the international services, engineering and information communications technologies sectors, focusing on the linked hub town of Tralee. In addition to targeting potential new projects, IDA Ireland continues to work with its existing base of companies in north Kerry with a view to supporting these companies with potential expansions that strengthen their presence in the region.

Shannon Development has responsibility for the provision of property for industrial development in the area. Shannon Development works with companies to secure stronger niches in the global marketplace, through direct assistance to the companies themselves, and through initiatives such as the Kerry Technology Park, which was developed in partnership with Tralee Institute of Technology, and the Listowel Business Development Centre both of which are also actively marketed by IDA Ireland to potential investors. Shannon Development is investing almost €1.7 million in the Listowel centre which will provide the type of space required by smaller business. The first client, a locally based software company, took up occupancy earlier this year. A 16,500 sq. ft. factory has also been developed in Listowel and a food company, manufacturing prepared consumer ready meals, now occupies part of the building. I am satisfied that the combined efforts of the industrial development agencies, together with local interests, will continue to address the ongoing investment needs of the area.

Redundancy Payments.

196. Mr. N. O'Keeffe asked the Minister for Enterprise, Trade and Employment the reason for the delay in having a statutory redundancy payment issued to a person (details supplied) in County Cork; and if his attention has been drawn to the fact that this person's former work colleagues, who were made redundant at the same time, have all received their redundancy payments. [16240/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The matter is under query with the person concerned and as soon as a reply is received by my officials, payment will be made directly to her from the social insurance fund.

Departmental Properties.

197. Mr. Timmins asked the Minister for Enterprise, Trade and Employment the number and location of factories owned by the IDA or Enterprise Ireland; the number of these which are vacant; the rental cost of same; and if he will make a statement on the matter. [16263/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment, FDI, to Ireland and its regions. As part of its responsibilities under those Acts it is also charged with providing property solutions for clients of Enterprise Ireland. The management of IDA Ireland’s industrial property portfolio, including decisions relating to property rental, are day-to-day operational matters for the agency and not matters in which I have a function.

Following is a list of all IDA-owned buildings and buildings leased from private investors. There is no rental cost associated with these IDA owned buildings. Of the 56 vacant IDA owned buildings, only 13 are available for promotion due to sales or leases in progress. IDA Ireland leases 87 units from the private investors, 34 of which are vacant. For commercial reasons it is not appropriate to provide an itemised list showing the rent paid for each of these factories. However, the total rent payable for vacant buildings is currently in the order of €3.1 million per annum. IDA entered into the leases with private investors in the 1980s when it was policy to
encourage investors to construct and finance buildings, mainly outside urban centres, in line with regional investment strategy.

<table>
<thead>
<tr>
<th>County</th>
<th>Private Finance</th>
<th>IDA Owned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Occupied</td>
<td>Vacant</td>
</tr>
<tr>
<td>Cork</td>
<td>11</td>
<td>9</td>
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<td>3</td>
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<tr>
<td>Dublin</td>
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<td>6</td>
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<tr>
<td>Galway</td>
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<tr>
<td>Kerry</td>
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<td>0</td>
</tr>
<tr>
<td>Kildare</td>
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<td>4</td>
</tr>
<tr>
<td>Kilkenny</td>
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<td>0</td>
</tr>
<tr>
<td>Leitrim</td>
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<td>0</td>
</tr>
<tr>
<td>Longford</td>
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<td>0</td>
</tr>
<tr>
<td>Louth</td>
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<td>0</td>
</tr>
<tr>
<td>Mayo</td>
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<td>1</td>
</tr>
<tr>
<td>Monaghan</td>
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<td>0</td>
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<tr>
<td>Offaly</td>
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<td>0</td>
</tr>
<tr>
<td>Roscommon</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Sligo</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Tipperary</td>
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<td>Westmeath</td>
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<td>Wexford</td>
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<td>1</td>
</tr>
<tr>
<td>Wicklow</td>
<td>6</td>
<td>0</td>
</tr>
</tbody>
</table>

|            | 53      | 34   | 87 | 72   | 56   | 128 |

198. Mr. Timmins asked the Minister for Enterprise, Trade and Employment if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16322/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The management of IDA Ireland’s industrial property portfolio is a day-to-day operational matter for the agency and not one in which I, as Minister for Enterprise, Trade and Employment, have a function. I have, however, been informed by IDA Ireland that it has the following promotional land available to market: 34.73 hectares in Wicklow at three locations in Bray, Greystones and Arklow and 25.98 hectares in Carlow at two locations in Bagenalstown and the Carlow Business and Technology Park. Information regarding land valuation is commercially sensitive. It is operating practice in IDA Ireland that valuations of their land banks are not revealed. [16405/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 198 and 204 together.

The Office of Public Works own or lease the land and buildings occupied by my Department and issues relating to the sale and disposal of such assets would be a matter for that office. My Department has not sold any assets worth more than €100,000 in the period since 1997.

199. Mr. Timmins asked the Minister for Enterprise, Trade and Employment the amount of unused industrial land his Department has in counties Wicklow and Carlow; the estimated value of same, by county; and if he will make a statement on the matter. [16375/05]

Labour Inspectorate.

200. Mr. Healy asked the Minister for Enterprise, Trade and Employment when he intends to establish a properly resourced labour inspectorate including a substantially increased staff of at least 75 inspectors, increased powers for the inspectorate, provision of proper legal and other professional support for its inspectorate, statutory linkage with the trade union movement and substantially increased penalties for non-compliance with employment rights legislation; and if he will make a statement on the matter. [16375/05]
Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Following the Minister, Deputy Martin’s recent announcement on 12 April, there are now 31 labour inspector posts. The additional inspectors will strengthen the labour inspectorate’s capacity to ensure that workers receive their entitlements under employment rights legislation. Arising from paragraph 12.4 of the mid-term review of Sustaining Progress and to assist in the preparation of proposals for consideration by Government, a discussion document was prepared by the labour inspectorate in relation to its mandate and resourcing. This comprehensive discussion document was prepared and circulated to the social partners in January of this year so that their views could be obtained. All the issues raised by the Deputy are considered in the document.

The discussion document covered the full dimension of issues that impact on the operation of the labour inspectorate ranging from the legislative framework right through to the operational aspects and staff development. The discussion document also looked at a range of possibilities around the operation of the labour inspectorate and offered a spectrum of possibilities ranging from a compliance regime where the initiative would move more toward the complainant, with the labour inspectorate offering support, to a model where the right of initiative would be with the labour inspectorate who would conduct a hands-on approach.

The discussion document, which identifies 39 key proposals, is not prescriptive. Rather it seeks to present the arguments for and against an extensive range of issues impacting on the mandate and associated resourcing of the labour inspectorate and its linked business units. In the absence of appropriate analysis no particular model can be endorsed. However, the purpose of their inclusion is primarily to stimulate debate and signal that fundamental changes in approach should be considered. The discussion document has been well received among the social partners with some comments received and others are awaited although initial favourable views have been made known. An interactive phase on the discussion document will get underway shortly whereby the range of choices will be narrowed down and the issues raised by the Deputy will be considered in the context of the review.

Work Permits.

201. Mr. Gogarty asked the Minister for Enterprise, Trade and Employment the reason an application for the renewal of work permit was refused to a person (details supplied) in County Dublin; if this person can appeal their decision; and if he will make a statement on the matter. [16376/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): This was not an application for a renewal but an application for a new permit. Originally the employee had been employed by a different company. When the application for a work permit was received from the second company, it was refused. This was because the employee appeared to have been illegally employed by this company in advance of the work permit application being made.

Additional information about this case has been made available to my Department in the last week. In light of this, and other factors, the entire matter is being reviewed, mainly on a humanitarian basis. The employer will be contacted by the work permits section in the course of this review.

Community Employment Schemes.

202. Mr. Lowry asked the Minister for Enterprise, Trade and Employment the number of persons on community employment schemes in each county from 1997 to 2004; the number of persons expected to be on community employment schemes by the end of 2005 in each county; and if he will make a statement on the matter. [16387/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The following tabular statement gives the numbers of participants on community employment, CE, schemes on a county-by-county basis for the period 1997 to 16 May 2005. I am informed by FAS that it anticipates that the distribution of places on a county-by-county basis at end December 2005 will be broadly consistent with the existing spread.

<table>
<thead>
<tr>
<th></th>
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<td>700</td>
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<td>988</td>
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<td>1,198</td>
<td>1,256</td>
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<tr>
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<td>232</td>
<td>288</td>
<td>288</td>
<td>403</td>
<td>358</td>
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</table>
203. Mr. Lowry asked the Minister for Enterprise, Trade and Employment his views on the community employment scheme; and if he will make a statement on the matter. [16388/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Community employment, CE, provides work experience and training opportunities for the long-term unemployed and other disadvantaged groups with the aim of assisting participants to progress to jobs in the open labour market. The number of participants on CE nationally increased from 19,848 in January 2004 to 22,194 at end December 2004.

I am informed by FAS that the rate of progression to employment for CE participants in 2002 was 41%; the corresponding rate in 2003 was 46%. Data on progression rates for 2004 have not yet been finalised by FAS. The progression rates mentioned demonstrate the strong contribution of CE programmes in assisting very disadvantaged persons to take up employment in the open labour market.

On foot of a review of FAS employment schemes, which included detailed consultations with the social partners, I decided that with effect from 10 November 2004 the three-year cap would be removed for CE participants aged 55 or over. This category of participants is now eligible to participate on CE for a maximum of six years. The extension of the participation period from three to six years for over-55s should ensure that there will be sufficient clients to fill the available places and will help to secure the continuity of community services generally. FAS employment programmes, which comprise CE, social economy and job initiative, will provide over 25,000 places in 2005.

Social Welfare Benefits.

205. Mr. Lowry asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Dublin who was eligible for a payment has had this payment refused on change of residence; the steps she intends to take to reinstate this payment; and if he will make a statement on the matter. [16201/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme provides for the payment of a weekly or monthly rent supplement to assist an eligible person who is unable to provide for his or her accommodation costs from his or her own resources and who does not have accommodation available from any other source. The scheme is administered on my behalf by the community welfare division of the Health Service Executive. Neither I nor my Department has any function in determining entitlement in individual cases.

The person concerned was in receipt of rent supplement from June 2003 to April 2005 inclusive. The Dublin-north eastern area of the executive has advised that, following her move to accommodation in the north Dublin area, the person concerned re-applied for rent supplement in April 2005. Her application was refused on the grounds that, in the opinion of the executive, the move could not be justified in terms of any additional employment prospects there compared with those in her previous area of residence. The person concerned has appealed against this decision and a file is being prepared for consideration by an executive appeals officer.

206. Mr. Kehoe asked the Minister for Social and Family Affairs the reason an application for the supplementary welfare allowance was refused for a person (details supplied) in County Wexford; and if he will make a statement on the matter. [16202/05]
Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for exceptional needs payments to assist with essential, once-off expenditure which a person could not meet reasonably out of his or her household income or other resources. In general, however, it is expected that people would budget their own income to meet the cost of their normal clothing requirements without the need for special assistance under this scheme.

The southern area of the executive has advised that it has no record of a recent application for an exceptional needs payment from the person concerned. However, he did apply to the then health board in June 2004 for an exceptional needs payment to assist with clothing costs. This application was refused on the grounds that there were no special circumstances in his case at that time to warrant an exceptional payment to him. He was unsuccessful in appealing against this decision subsequently to the health board’s area appeals officer.

If the person concerned is experiencing special difficulties or needs now and wishes to apply for an exceptional needs payment, he should contact the community welfare officer at his local health centre who will assess his situation and determine his entitlement.

Departmental Programmes.

207. Mr. Stanton asked the Minister for Social and Family Affairs the programmes, schemes and services administered by his Department and which were reviewed in 2003 and 2004 or are under review in 2005; the number of these reviews which have been completed; the number of these reviews that are not completed and when he expects these reviews to be complete; the persons who are carrying out each review; the cost of each completed review and the amount of time each review took to complete; the expected cost of each uncompleted review; and if he will make a statement on the matter. [15972/05]

Minister for Social and Family Affairs (Mr. Brennan): The expenditure review initiative is well established in my Department. In the period since 2003 reviews of four expenditure areas were carried out under the expenditure review programme and reviews of a further eight areas are ongoing. Details of the reviews carried out or under way from 2003 to 2005 are detailed in the appendix.

The objective of the expenditure review initiative in the Civil Service is to provide a systematic analysis of what is being achieved by expenditure on each programme and to provide a basis on which more informed decisions can be made on priorities within and between expenditure programmes.

Expenditure reviews are normally carried out in-house by working groups as part of the work of the Department. The working groups comprise staff from the relevant areas of the Department with representatives from the Department of Finance and other Departments or agencies, as appropriate. On occasions it is necessary to engage outside consultancy to assist in a specific aspect of a review. Also, reviews are now formally reviewed by an external expert under a consultancy contract.

Other approaches to expenditure reviews would involve working with other agencies as in the case with the review of child income support which is being carried out by the NESC; with the pensions board in the case of the current review of pensions policy; or with an interdepartmental committee as is the position with the review of long-term care arrangements. A review may build on earlier analyses or reports for the Department, as in the case with long-term care and pensions. The costs incurred by the Department where external assistance was required are also outlined in the appendix.

The amount of time it takes to complete a review varies and depends on the size and complexity of the programme areas, interaction with other Departments and agencies and the resources that can be provided to support the review. Where the programme is complex, it may be completed over a number of phases, as is the case with the review of the supplementary welfare allowance scheme and the review of pensions.

The recommendations from the review process feed into the policy making and change management processes within the Department. The review process generally is overseen by the expenditure review steering committee, which is chaired by the Department of Finance.

Appendix 1

Expenditure Review Activity 2003-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Review</th>
<th>Due Date</th>
<th>Status/Consultancy Cost-Euro (incl. VAT)</th>
</tr>
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<td>Payments to Orphans</td>
<td>Completed</td>
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<tr>
<td></td>
<td>Illness and Disability Payment Schemes</td>
<td>Completed</td>
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</tr>
<tr>
<td>2004</td>
<td>Back to School Clothing and Footwear Allowance</td>
<td>Completed</td>
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</tr>
<tr>
<td></td>
<td>Supplementary Welfare Allowance</td>
<td>Completed</td>
<td>Nil</td>
</tr>
<tr>
<td>Year</td>
<td>Review</td>
<td>Due Date</td>
<td>Status/Consultancy Cost (Euro incl. VAT)</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>2005</td>
<td>Back to Education</td>
<td>Qtr. 2</td>
<td>28,410</td>
</tr>
<tr>
<td></td>
<td>Unemployment Benefit/Assistance for Atypical Workers</td>
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<tr>
<td></td>
<td>Old Age Contributory Pension/Retirement pension — Phase 2</td>
<td>Qtr. 4</td>
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<tr>
<td></td>
<td>Supplementary Welfare Allowance — Phase 2</td>
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<td>Carers Allowance/Benefit</td>
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<td></td>
<td>Long-Term Care arrangements</td>
<td>Qtr. 3</td>
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**Social Welfare Benefits.**

208. Mr. Gregory asked the Minister for Social and Family Affairs if he will review the decision to reduce the disability allowance of a person (details supplied) in Dublin 3. [15995/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Under the legislative provisions that apply to disability allowance all income which the claimant has, subject to certain exceptions, is assessable as means. Following a review, the person concerned was assessed with means of €7.74 per week derived from an occupational pension. Occupational and private pensions are assessable as means in determining entitlement to disability allowance. Her disability allowance was reduced to €143.80 per week with effect from 11 May 2005. She was notified of her revised entitlement and of her right of appeal to the independent social welfare appeals office. Her case has been forwarded to the appeals office.

Under social welfare legislation, decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

209. Mr. Stanton asked the Minister for Social and Family Affairs if he will consider increasing the family income supplement payment to persons whose income has decreased since first being awarded FIS and who still qualify for FIS; and if he will make a statement on the matter. [16052/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The family income supplement, FIS, scheme is designed to provide an incentive for low paid workers with families to take up or remain in full-time employment. An integral feature of the scheme is that once the level of the FIS payment is determined, it continues to be payable at that level for a period of 52 weeks provided that the claimant remains in employment. However, the rate of payment can be amended where an additional child is born in the course of the 52 weeks.

A key advantage of this approach, which is unique to the FIS scheme, is that claimants can be certain that they will receive a guaranteed level of income support throughout the period. This certainty is important to the success of the scheme in providing a real incentive to workers with families to avail of employment opportunities.

On balance, the net impact of the present approach is likely to be significantly positive for workers, given that wage movements are likely to rise rather than fall in the majority of cases during the year. The impact of more regular reviews would most likely be lower payments for most FIS recipients, employers and my Department.

Any change in the existing arrangements would require legislative change. Given the nature and purpose of the FIS scheme, I am not convinced that any such change would be appropriate.

210. Mr. Wall asked the Minister for Social and Family Affairs the reason the supplementary rent allowance has been stopped for a person (details supplied) in County Kildare; the way in which this person has declared all income to his Department had they been assessed as having an overpayment; and if he will make a statement on the matter. [16102/05]

**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. Neither I nor my Department has any function in relation to individual entitlements.

The Dublin-mid Leinster area of the executive has advised that, during a recent routine review of this case, it became aware that the person concerned was in receipt of one-parent family payment. The previous non-disclosure by her of this additional income has given rise to a significant overpayment of rent supplement to her over a six-month period.

The executive has written to the person concerned confirming her reduced rent supplement entitlement and the amount of the overpayment involved. She was informed that payment of her rent supplement would be suspended until she contacted the community welfare officer to agree a repayment schedule for the overpayment amount. She has not made contact with the officer to date. Payment of her rent supplement remains suspended accordingly.
Departmental Charges.

211. Mr. Stanton asked the Minister for Social and Family Affairs, further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of such review; and if charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16206/05]

Minister for Social and Family Affairs (Mr. Brennan): The main business of my Department concerns the payment of cash benefits to customers. As such there are only a few instances of charges which come within my area of responsibility.

To fund social insurance related payments, social insurance contributions are levied against employees, self-employed workers and employers. Legislation setting out liability for and the collection of PRSI contributions is provided for in Part II of the Social Welfare Consolidation Act 1993. The Minister is empowered to make regulations under this Act to detail the legal requirements for the payment of contributions and related matters, including the charging of interest on arrears of contributions. These contributions are remitted to the Collector-General or the Minister for Social and Family Affairs as appropriate and as provided for under statute.

In addressing issues relating to overpayments, repayment and the recovery of social welfare payments, Part VIII of the Social Welfare (Consolidation) Act 1993 provides a legal basis for the assessment and collection of sums due to the social insurance fund or the Minister as appropriate.

Part IX of the Social Welfare (Consolidation) Act 1993 stipulates an obligation on spouses to maintain each other and their children and on parents to maintain their children. The Act also imposes a liability on the “liable relatives” of specified social welfare recipients to contribute towards the cost of social welfare payments. The legal provisions allow for a determination of a person’s ability to contribute towards these costs and the amount of weekly contribution due. The methods of assessment of the liable relative’s ability to pay are specified in detail in social welfare regulations.

The only fees charged by my Department arise in relation to requests arising under freedom of information legislation. The fees charged are in accordance with statute and the published guidelines which apply across the Civil Service.

In relation to the four agencies under the aegis of my Department, the position is as follows: the pensions board levies fees on the trustees of occupational pension schemes and the providers of personal retirement savings accounts, PRSA. These fees generate an income for the board to fund its regulatory function. The necessary authority to levy these fees is contained in the Pensions Act 1990, as amended, with the actual amounts involved specified in regulations; the Family Support Agency is empowered under section 8 of the Family Support Act 2001 to charge, with the consent of the Minister for Social and Family Affairs, such fees as it considers necessary and appropriate in consideration of the provision by it of its services in practice the only area in which the agency levies a charge for any of its services is in the provision of training in family mediation; and Comhairle and the Combat Poverty Agency charge for attendance at certain seminars-conferences and for certain publications on a selective basis. The level of the charge set represents a contribution to the relevant costs.

I am satisfied that any collection of funds by my Department or agencies is based on a sound legal footing and that, accordingly, a formal review in this regard is not required at this time.

In relation to the legal basis of decisions generally, my Department’s decisions advisory office is carrying out a consultation process within the Department to ensure that in relation to the blocks of legislation under which the Department operates, all appropriate guidelines and instructions are in place and up to date and to ensure that any areas of concern in this regard are identified and addressed.

Social Welfare Benefits.

212. Mr. Gilmore asked the Minister for Social and Family Affairs the number of persons who are in receipt of rent allowance; the current monthly expenditure on rent allowance; and if he will make a statement on the matter. [16255/05]

213. Mr. Gilmore asked the Minister for Social and Family Affairs the cost of rent allowance in respect of each year from 1997 to 2004; the average monthly number of tenants in receipt of rent allowance; and if he will make a statement on the matter. [16256/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 212 and 213 together.

The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for the payment of a weekly or monthly rent supplement to assist eligible people who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from any other source.

As of last Friday, 13 May, there were 58,283 people receiving rent supplement. Monthly expenditure on the scheme is approximately €29.4million on average over the first third of this year. For the years from 1997 to 2004 inclusive,
[Mr. Brennan] details of recipient numbers at the end of December each year and associated annual expenditure are set out in the following table:

Rent Supplement: annual expenditure and number of recipients 1997 to 2004.

<table>
<thead>
<tr>
<th>Year</th>
<th>Recipients at end December</th>
<th>Annual Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>Est. 40,000</td>
<td>95.61m</td>
</tr>
<tr>
<td>1998</td>
<td>Est. 40,000</td>
<td>111.74m</td>
</tr>
<tr>
<td>1999</td>
<td>41,873</td>
<td>128.24m</td>
</tr>
<tr>
<td>2000</td>
<td>42,683</td>
<td>150.59m</td>
</tr>
<tr>
<td>2001</td>
<td>45,028</td>
<td>179.40m</td>
</tr>
<tr>
<td>2002</td>
<td>54,213</td>
<td>252.34m</td>
</tr>
<tr>
<td>2003</td>
<td>59,976</td>
<td>331.47m</td>
</tr>
</tbody>
</table>


214. Ms O’Sullivan asked the Minister for Social and Family Affairs the number of working groups which have been set up by his Department since 2000; the name of each group; the amount spent by his Department on each group; and if he will make a statement on the matter. [16278/05]

Minister for Social and Family Affairs (Mr. Brennan): Because of the broad range of my Department’s activities, there is at any one time a range of working groups and committees overseeing specific tasks in the development of many aspects of my Department’s services. The costs involved in the main relate to standard administrative overheads such as the staff time required to carry out the work of the groups, the publication and dissemination of reports and in some cases the costs of consultancy expertise. I have arranged for details of the working groups established since 2000 to be forwarded to the Deputy.

215. Mr. Ring asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has to refund the amount over-awarded by his Department; if his Department has legal advice in relation to this amount over-awarded by his Department; if his Department has legal advice in relation to this amount over-awarded by his Department; if his Department has legal advice in relation to this amount over-awarded by his Department; if his

Minister for Social and Family Affairs (Mr. Brennan): The person applied for one parent family payment in January 2000. Her means were assessed as nil and she was awarded the maximum rate of payment. In July 2000 the person informed my Department that she had commenced employment. The person’s gross weekly earnings were given as £199.68, £253.54, and her means were re-assessed at £42.15, £53.52, in accordance with social welfare legislation. Her rate of one-parent family payment was reduced accordingly.

Following a review of the person’s claim in October 2003 it came to light that her earnings had increased significantly over the intervening period. Consequently, payment was suspended and she was afforded an opportunity to comment.

Having considered the circumstances of the case, the deciding officer made a revised decision reducing her entitlement in respect of the period from 3 January 2002 to 1 January 2003 and disallowing the claim for the period from 2 January 2003 to 15 October 2003. Arising from the decision, a one-parent family payment amounting to €6,361.40 was treated as an overpayment in accordance with section 278 of the Social Welfare (Consolidation) Act 1993.

At this stage, the decision of the deciding officer is before an appeals officer and no further action on the overpayment will be taken until the appeal is determined. Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

216. Mr. Kenny asked the Minister for Social and Family Affairs if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16406/05]

Minister for Social and Family Affairs (Mr. Brennan): The matter raised by the Deputy is the responsibility of the Office of Public Works, which deals with all matters relating to property acquisition and disposal on behalf of my Department.

Social Welfare Benefits.

217. Mr. S. Ryan asked the Minister for Social and Family Affairs if he will report on the income limits for eligibility for the deserted wife’s benefit payment; his views on whether there is a need to have them updated; and when he intends to do so (details supplied). [16474/05]

Minister for Social and Family Affairs (Mr. Brennan): Deserted wife’s benefit is a social insurance payment made to a woman deserted by her husband. Entitlement to payment is based on social insurance contributions paid by the wife or her husband. The scheme was introduced in 1973 and was discontinued with effect from 2 January 1997, when one-parent family payment was introduced.

An earnings limit was introduced for deserted wife’s benefit as and from 31 August 1992. The limit, which applied to new claims after that date, is €12,697.38 a year — gross earnings. Where earnings are in excess of this amount, there may be entitlement to a reduced rate of payment of deserted wife’s benefit, provided earnings do not exceed €17,776.33 a year gross.
Under the one-parent family payment scheme, lone parents are encouraged to maximise their income from different sources and the means test for this scheme makes provision for the exemption of earnings and maintenance payments. The current earnings disregard is €146.50 per week or approximately €7,600 per annum.

The earnings limit for deserted wife’s benefit has always been considered reasonable in comparison with the disregard for the one-parent family payment. The issue of support for lone parents generally to access employment is being examined as part of the end child poverty initiative under Sustaining Progress and the level of disregards and other supports for lone parents will be addressed in the light of the outcome of this examination.

Driving Tests.

218. Mr. P. McGrath asked the Minister for Transport if there are a number of vacancies within the driver testing section of his Department; if so, the number of such vacancies; the length of time these vacancies have existed; if these vacancies have been advertised; if so, when and the way and areas in which they have been advertised; the lost through-put of driver tests due to these vacancies; and if he will make a statement on the matter. [16015/05]

223. Mr. Wall asked the Minister for Transport, further to his recent announcement regarding the employment of driver testers, the way in which these vacancies have been advertised; if so, when and the way and areas in which they have been advertised; the lost through-put of driver tests due to these vacancies; and if he will make a statement on the matter. [16105/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 218 and 223 together.

Driver tester numbers are part of the overall numbers in the Department and are arranged accordingly. They comprise both permanent and contract staff. Vacancies have arisen at different times over the past few years and up to as recently as 30 April 2005. It is proposed to advertise eight contract posts shortly. Each tester would be expected to undertake approximately 1,500 tests each year.

Road Traffic Offences.

219. Mr. Curran asked the Minister for Transport if the offence of breaching a three tonne restricted area will be dealt with by way of an on-the-spot fine rather than by a summons. [16485/05]

Minister for Transport (Mr. Cullen): The offence of breaching a weight restriction placed at the entrance to a road is not subject to the on-the-spot fine system. A person accused of such an offence must be summoned to appear in court and on conviction for a first offence is liable to a fine not exceeding €800.

The Road Traffic Act 2002 provides for the replacement of the on-the-spot fine system with the new fixed charge system. That system applies to the offence of exceeding a speed limit and seat belt offences. Regulations to provide for the roll-out of the system to a range of additional offences involving the use of mechanically propelled vehicles, including the offence of breaching a weight restriction, are being prepared by my Department in consultation with the Department of Justice, Equality and Law Reform and the Garda Síochána.

The operation of the fixed charge system is dependent on the development of a new computerised processing system for the Garda. I understand it is expected to have the new system available during the summer of 2005.

Public Transport.

220. Mr. Bruton asked the Minister for Transport, further to the publication of the QBCs projects. In order to ensure the most up to date specific information on the programme, I would point out to the Deputy that the DTO is engaged in providing for a rolling programme of QBCs projects. In order to ensure the most up to date specific information on the programme, I have asked officials in my Department to arrange a meeting with the DTO in the near future on this matter.

Departmental Charges.

222. Ms O. Mitchell asked the Minister for Transport, further to the publication of the Travers report, if his Department has carried out
a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16007/05]

Minister for Transport (Mr. Cullen): My Department is carrying out a review of the legal basis for its charges and fees. As part of this review my Department is seeking legal advice from the Office of the Attorney General as to whether the legal basis for these charges is adequate in all cases. The need to examine the basis for charges is being brought to the attention of the agencies.

Question No. 223 answered with Question No. 218.

Driving Tests.

224. Ms O. Mitchell asked the Minister for Transport if the existing information technology systems used by the driving testing system will be overhauled; if so, the total cost he envisages for this project; when he anticipates this upgrade will be on-stream; and if he will make a statement on the matter. [16104/05]

Minister for Transport (Mr. Cullen): My Department is already in the process of evaluating the IT needs of the driver testing service. When this is complete it is proposed to install a new IT system the procurement of which will be subject to a tender process.

225. Ms O. Mitchell asked the Minister for Transport if the range of duties proposed as part of the responsibilities undertaken by the Driver Testing and Standards Authority will be expanded; the consideration he has given to the recommendation that he should establish a road safety authority instead of the proposed structure; and if he will make a statement on the matter. [16105/05]

Minister for Transport (Mr. Cullen): I will shortly bring proposals to Government about additional functions that I believe should be assigned to the Driver Testing and Standards Authority. These additional functions will give the authority a greater focus in relation to its role in the area of road safety. I will be bringing forward appropriate amendments to the Driver Testing and Standards Authority Bill 2004 on Committee Stage to give effect to these changes.

226. Ms O. Mitchell asked the Minister for Transport the consideration he has given to the introduction of weekend and evening driving tests; and if he will make a statement on the matter. [16106/05]

Minister for Transport (Mr. Cullen): Driving tests are conducted on Saturdays. My Department is in consultation with staff representatives about a package of measures to reduce the numbers waiting for a driving test and it is envisaged that these measures will include increased productivity by way of additional evening and weekend tests.

227. Ms O. Mitchell asked the Minister for Transport the measures he intends to pursue to encourage driving test applicants to obtain driving instruction prior to sitting their test; and if he will make a statement on the matter. [16107/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to Question No. 358 on 8 February 2005. The Government’s strategy for road safety 2004-06 identified speed, seat-belt wearing, driving while intoxicated, engineering measures and vulnerable road users as being the key priority areas to be addressed over the coming years in terms of yielding road safety benefits. As regards motorcyclists, over the course of the strategy it is the intention to introduce compulsory initial practical training for motorcyclists before they are permitted to drive alone on a public road. There are no proposals to introduce such compulsory training for other learner drivers. Proposals being developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors and will ensure the availability of a high standard of instruction to learner drivers.

Departmental Properties.

228. Mr. Timmins asked the Minister for Transport if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16305/05]

231. Mr. Kenny asked the Minister for Transport if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16407/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 228 and 231 together.

Under the Air Navigation and Transport (Amendment) Act 1998, certain assets that were previously owned by the Minister were transferred with effect from 1 January 1999 into the ownership of Aer Rianta. The company made a payment to the Exchequer of IR£13.9 million, equivalent to €17.65 million, representing the written down value of the Exchequer funded airport assets.
EU Directives.

229. Ms Shortall asked the Minister for Transport the reason Directive 2002/15/EC of 11 March 2002 on working times for road hauliers was not enacted into Irish law here by the March 2005 deadline; and when he proposes to correct this. [16364/05]

Minister of State at the Department of Transport (Mr. Callely): Consideration of the necessary legislation to transpose EU Directive 2002/15/EC is at an advanced stage. The advice of the Office of the Attorney General is currently being sought on whether the transposition can take place by way of secondary legislation under the European Communities Acts or whether primary legislation is required. As soon as the outcome of these legal consultations is known my Department will be in a position to estimate how long it will take to complete the necessary transposition process.

230. Ms Shortall asked the Minister for Transport when he proposes to amend legislation to provide for Directive 2002/85/EC on the installation and use of speed limiting devices for certain categories of motor vehicles; the deadline for the application of Community law in this instance; and the reason for the delay in implementing this directive. [16365/05]

Minister of State at the Department of Transport (Mr. Callely): Directive 2002/85/EC extends the existing EU requirement for speed limiters to be fitted and used in certain large goods and passenger vehicles to vehicles with more than eight passenger seats and to goods vehicles with a design gross vehicle weight exceeding 3,500 kg. The directive was required to be transposed into national law by 1 January 2005. My Department is working to put in place the necessary organisational and administrative arrangements for the effective implementation of the directive. The arrangements include the designation of an approval authority for the appointment and supervision of persons authorised to install and seal speed limiters in motor vehicles. It is my intention to make the regulations to transpose the directive into Irish law as soon as these arrangements are finalised.

Question No. 231 answered with Question No. 228.

Rail Network.

232. Mr. Curran asked the Minister for Transport the reason Directive 2002/15/EC of 11 March 2002 on working times for road hauliers was not enacted into Irish law here by the March 2005 deadline; and when he proposes to correct this. [16475/05]

Minister for Transport (Mr. Cullen): The planning for the provision and operation of railway stations is, in the first instance, a day-to-day operational matter for Iarnród Éireann to consider. I am awaiting a revised proposal from the company for the four-tracking of a section of the Kildare route and the development of a number of new stations along the route, including Park West and Adamstown. However, Iarnród Éireann has informed me that it is in discussion with the developers at Park West and Adamstown regarding the provision of new stations at these locations in advance of the four-tracking proposal.

Question No. 233 withdrawn.

Dormant Accounts Fund.

234. Mr. Cregan asked the Minister for Community, Rural and Gaeltacht Affairs when the next tranche of money from the dormant accounts fund will be made available. [15952/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Decisions on the disbursement of funds from dormant accounts moneys are a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf, which involves the allocation of €60 million from the fund. To date the board has approved 481 projects for funding totalling approximately €56 million. Over the coming weeks further allocations will be made by the board up to a total figure of €60 million.

The Dormant Accounts (Amendment) Bill 2004 was published on 24 June 2004 fulfilling a commitment given by Government in December 2003 following its review of arrangements in relation to dormant accounts funding. The Bill is before the Oireachtas and, inter alia, provides for significant changes to the disbursement process and for the establishment of a reconstituted board. Report and Final Stages are scheduled to be taken in the Seanad today. Future processing arrangements, including the allocation of further amounts from the fund, are subject to the enactment of the Bill.

Departmental Bodies.

235. Mr. Perry asked the Minister for Community, Rural and Gaeltacht Affairs when a decision will be made by the commissioners of charitable donations and bequests on the transfer of property to a group (details supplied) in County Sligo. [16000/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The commissioners of charitable donations and bequests for Ireland are appointed by the Government under the Charities Act 1961 with a mandate to provide services to trustees of charities and to carry out the intentions of persons making donations and bequests to charity. As the commissioners are independent in the exercise of their statutory duties, I do not com-
[Mr. N. Ahern.] My Department informed the office of the commissioners about the question posed by the Deputy, and was advised that a decision had been made in this case.

Community Development.

236. Mr. Ring asked the Minister for Community, Rural and Gaeltacht Affairs if persons who are on community employment schemes will be allowed into the rural social scheme when the community employment schemes finish.

My Department is currently reviewing the rural social scheme, RSS, 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, 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, unemployment benefit if previously on a community employment scheme or disability allowance. During the first year of operation, participants on community employment who meet the criteria for the rural social scheme are eligible to apply to transfer over to the RSS. My Department is at present reviewing the rural social scheme including the question of eligibility criteria for the scheme.

237. Mr. McHugh asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the requirement for community groups to carry continuous public liability insurance on projects funded by IRD funding; and if he will make a statement on the matter.

My Department was informed that the matter will be resolved in the very near future.

Departmental Charges.

239. Mr. McGinley asked the Minister for Community, Rural and Gaeltacht Affairs further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter.

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): My Department is carrying out a review to ensure that there is an adequate legal basis for all charges and fees it levies and it is arranging for a similar exercise to be carried out by the agencies under its aegis. The exercise is ongoing and to date no charges have been identified which raise concerns as to their legal basis.

Departmental Properties.

240. Mr. Timmins asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter.

241. Mr. Kenny asked the Minister for Community, Rural and Gaeltacht Affairs if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved.

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): My Department was
established in 2002 and has disposed of no land or buildings since then.

Agricultural Sector.

242. Mr. Perry asked the Minister for Agriculture and Food if the number of persons in the western region that have given up farming in the years between 2000 and 2005 to date; the number of persons in the western region that have entered farming in the years between 2000 and 2005 to date; and if she will make a statement on the matter. [15913/05]

Minister for Agriculture and Food (Mary Coughlan): The Central Statistics Office publishes data on the number of persons in farming, it does not collect data on entrants to or exits from farming. Data is only available in respect of the period 2000 and 2003. According to the 2000 census of agriculture there were 32,800 farmers in the western region, Galway, Mayo and Roscommon, and in the 2003 farm structures survey there were 32,000 farmers, a fall of 2.4% over the period. The equivalent figures for the Border region, Cavan, Donegal, Louth, Monaghan, Sligo and Leitrim, are 28,900 for the year 2000 and 27,100 for 2003, a fall of 6.2% over the same period. This compares with a 4.2% decline in the number of farmers in the State over the same period.

Grant Payments.

243. Mr. McGuinness asked the Minister for Agriculture and Food if a person (details supplied) in County Carlow is entitled to further benefit under the single payment scheme. [15914/05]

Minister for Agriculture and Food (Mary Coughlan): The herd number quoted, which has been dormant since 1995, was previously registered in the name of the spouse of the person named. As the spouse of the person named was not farming during the reference period, 2000 to 2002, having availed of the early retirement scheme in 1995, he did not establish any entitlements under the single payment scheme. Under the provisions of the single payment scheme, it will be open to the successor of the retired person to apply for entitlements from the national reserve, when he or she takes over the leased lands.

244. Mr. Ring asked the Minister for Agriculture and Food when the balance of the suckler cow and beef premium grants will be awarded to a person (details supplied) in County Mayo. [15943/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted four applications under the 2004 special beef premium scheme, in respect of a total of 32 animals. The first application, in respect of five animals, was received on 4 March 2004; the second application, in respect of seven animals, was received on 2 March 2004; the third application, in respect of three animals, was received on 22 December 2004; and the fourth application, in respect of two animals, was received on 31 December 2004. The 60% advance payments in respect of the first and second applications issued on 19 October 2004, in respect of the third application on 23 March 2005 and in respect of the fourth application on 1 April 2005.

One of the two animals included on the fourth application was identified, following computer validation, as not registered in the herd of the person named on the date of application, as required under the terms and conditions of the scheme. While there is outstanding correspondence on this matter with the person named, the balancing payments in respect of the other animals included on the four applications are due to issue shortly. Any residual payment that might be due following resolution of the outstanding issue will be made in due course.

The person named applied for premium on 13 animals under the 2004 suckler cow premium scheme. Payment of his 60% advance installment amounting to €1748.37 issued to him on 18 October 2004. The application has been processed and found in order for balancing payment. However at balancing payment stage all administrative and on-farm checks in relation to bovine premia applications lodged by the herdowner are carried out on an integrated holding-based approach and payment due in this case under the suckler cow scheme had to be deferred pending processing of his special beef applications. As soon as the balancing payments under special beef due to issue shortly are paid payment of the suckler balancing instalment will follow.

245. Mr. Ring asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo will be awarded the beef premium grant. [15966/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted three applications under the 2004 special beef premium scheme, in respect of a total of 32 animals. The first application, in respect of five animals, was received on 4 March 2004; the second application, in respect of 19 animals, was received on 22 December 2004; and the third application, in respect of eight animals, was received on 21 May 2004. The 60% advance payments in respect of the first and second applications issued on 19 October 2004, in respect of the third application on 23 March 2005.

Under EU regulations governing the 2004 special beef premium scheme, a stocking density limit of 1.8 livestock units per hectare applied, based on the forage area declared on an applicant’s area aid application. The 2004 area aid application of the person named declared a forage area of 15.23 hectares, which gave an entitlement to 27.41 livestock units.
[Mary Coughlan.]

Of the 32 animals in question, ten were each deemed to represent 0.6 livestock units, while the remaining 22 animals were each deemed to represent one livestock unit, equating to a total livestock unit value of 28 livestock units. However, payment of premium was restricted to 27.41 premium rights, the maximum payable based on the forage area declared.

Following my decision to estimate the extent of the quota overshoot for the 2004 scheme, interim balancing payments issued on 21 April 2005, in respect of 27.41 animals. Once the definitive position regarding the extent of the quota overshoot has been established, any residual payments due will issue.

246. Mr. Neville asked the Minister for Agriculture and Food if a decision with regard to the beef premium for a person (details supplied) in County Limerick has been reviewed. [16083/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted three applications under the 2004 special beef premium scheme, in respect of a total of 43 animals. The first application, in respect of two animals, was received on 27 January 2004. The second application, in respect of 38 animals, was received on 2 November 2004. The third application, in respect of three animals, was received on 2 December 2004. Following computer validation, 34 of the animals included on the second application and two of the animals included on the third application were identified as not being registered as in the herd of the person named on the date of application, as required under the terms and conditions of the scheme. However, following correspondence with the person named, the matter has been satisfactorily resolved. Payments — both advance and interim balance — in respect of the three applications will issue shortly to the person named.

Departmental Staff.

247. Dr. Upton asked the Minister for Agriculture and Food if she has at her disposal any outside authority to examine or audit procedures in the personnel division of her Department; if any form of accreditation is attached to the personnel division; and if she will make a statement on the matter. [16084/05]

Minister for Agriculture and Food (Mary Coughlan): The personnel division in my Department, as with all Departments of State, operates under a wide range of Civil Service procedures and codes of practice. While the Department of Finance has a leading role in preparing these procedures and codes of practice and in agreeing them with Departments and staff associations at the general council, there is no other formal accreditation attached to the personnel division. In like manner, any difficulties that arise in applying the codes are discussed and resolved with the Department of Finance and staff associations.

248. Dr. Upton asked the Minister for Agriculture and Food if she will agree to an outside independent authority to review procedures in the personnel division of her Department relating to alleged breach of agreed procedures by the personnel authorities in particular under the grievance procedure; and if she will make a statement on the matter. [16085/05]

Minister for Agriculture and Food (Mary Coughlan): My Department adheres to the Civil Service grievance procedures when dealing with all formal grievances from staff members. The procedures allow a complainant who is dissatisfied with the outcome of an internal decision to have the matter reviewed by a mediation officer appointed by the Minister for Finance. The use of a mediation officer in the following situations is not permitted under the procedures: disciplinary action taken in accordance with the provision of the disciplinary code; selection for promotion; selection for assignment to a post carrying an allowance or to a post abroad, or for placement on higher scales of payment under restructuring agreements; exclusion from competitions or from consideration for promotion on grounds of health or sick leave record. I am satisfied that all aspects of the Civil Service grievance procedures are being adhered to in my Department.

Departmental Charges.

249. Mr. Naughten asked the Minister for Agriculture and Food further to the publication of the Travers report, if her Department has carried out a review of the legal basis for all charges and fees levied by her Department and agencies under the aegis of her Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if she will make a statement on the matter. [16095/05]

Minister for Agriculture and Food (Mary Coughlan): A review of the legal basis for the imposition of charges and fees levied by my Department and agencies under the aegis of my Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if she will make a statement on the matter. [16095/05]

Sheepmeat Sector.

250. Mr. Lowry asked the Minister for Agriculture and Food her views on the crisis (details supplied) facing sheep farmers; and if she will make a statement on the matter. [16197/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy will be aware, the fall in prices for new season lamb, during mid to late April 2005, led to protests by sheep farmers at meat export premises. I am glad to report that the
dispute appears to have been resolved following discussions between farmers’ representatives and the export plants.

The following table shows the average factory price for spring lamb for the month of April 2005:

<table>
<thead>
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<th>Week No.</th>
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*Amounts exclude the VAT refunds incorporated in prices paid to farmers.

The above information is based on returns from a number of representative factories which show a range of prices on offer. Throughout this period prices for hoggets and ewes held up well. Prices for spring lamb this year have been influenced mainly by demand on the French market, our key export outlet. In the same period referred to in the table above, the quoted price on the French market fell from €5 per kg to around €4.40 per kg as a result of sluggish demand there and competition from other suppliers. The early Easter this year hindered the development of the market for spring lamb. Also the price for skins dropped from €8 to €1.50 or the equivalent of some 40 c per kg compared with this time last year.

Bord Bia has commissioned a promotion of new season lamb on the Irish market, which commenced on 16 May and will extend to the end of June. It will also be undertaking a campaign on the French market over the coming months aimed at maintaining and increasing market share for Irish lamb there. Initiatives such as these play an important role in maintaining and developing markets at home and abroad for Irish lamb, thereby supporting prices paid to suppliers. Whereas my Department is concerned that farmers receive a fair price for their produce, it has no function in the determination of market prices.

Live Exports.

251. Mr. Lowry asked the Minister for Agriculture and Food her views on the sheep live export trade; and if she will make a statement on the matter. [16198/05]

258. Mr. Naughten asked the Minister for Agriculture and Food the steps she will take to facilitate the live export of lambs to the UK and France; if she will address the current holding period restriction; and if she will make a statement on the matter. [16363/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 251 and 258 together.

I am always prepared to facilitate trade in live sheep which of course, has to take place in accordance with EU rules governing such intra-Community trade. Trade in sheep between member states of the European Union is subject to the provisions of, inter alia, Council Directive 2003/50/EC, which amends Council Directive 91/68/EEC, as regards reinforced controls on the movement of sheep and goats. These controls, which were introduced in the aftermath of the foot and mouth disease outbreak in 2001, came into effect on 1 July 2004. They provide as a minimum requirement, that breeding and fattening sheep must be certified as having been continuously resident on a holding for at least 30 days prior to export and that no sheep or goats had been introduced on to the holding in the 21 days prior to export. Slaughter sheep must also be certified as having been continuously resident on the holding of origin for at least 21 days prior to export and are also subject to a standstill period of 21 days prior to dispatch during which no sheep have been introduced on to the holding of origin. Furthermore, in accordance with EU veterinary certification requirements under this directive, all sheep that are exported to another member state must be certified as to their health status by a Department veterinary inspector within 24 hours of departure.

252. Mr. Lowry asked the Minister for Agriculture and Food the steps she intends to take to minimise the burden to farmers of an issue (details supplied); and if she will make a statement on the matter. [16199/05]

Minister for Agriculture and Food (Mary Coughlan): Intra-Community trade regulations require that sheep intended for export must be consigned from the holding of origin or from an approved assembly centre. My Department is prepared to facilitate such trade by approving assembly centres in accordance with the European Communities (Assembly Centres) Regulations 2000, SI 257 of 2000. However, to be approved as an assembly centre, a livestock mart must meet the standards laid down in the aforementioned regulations.

The question as to whether the operators of a livestock mart wish to apply for approval for its use as an assembly centre is a matter for commercial consideration in the first instance. Where a livestock mart is approved to operate as an assembly centre, it may do so only if it is operating solely as an assembly centre on a particular day.

Farm Retirement Scheme.

253. Mr. O’Shea asked the Minister for Agriculture and Food if she will implement the findings of the recently published report on the early retirement scheme from farming (details supplied); and if she will make a statement on the matter. [16241/05]
Minister for Agriculture and Food (Mary Coughlan): I formally received the report of the Oireachtas joint committee on 7 April. I have asked my officials to consider the recommendations contained in the report, having due regard to the terms and conditions both of the early retirement scheme itself and of the European Commission regulations under which both the current and previous schemes were introduced.

Milk Quota.

254. Mr. Kehoe asked the Minister for Agriculture and Food if the milk quota appeals tribunal have allocated further quotas from the national reserve; if a person (details supplied) in County Wexford will receive a further allocation, taking into account their circumstances; and if she will make a statement on the matter. [16254/05]

Minister for Agriculture and Food (Mary Coughlan): Allocations of milk quota from the national reserve are granted on the basis of recommendations from the milk quota appeals tribunal. The tribunal is a body established to consider and advise on applications for additional quota from individual producers who have suffered severe hardship in the context of the milk quota system. It also examines applications from producers whose herds have been restricted by animal disease in the current milk quota year.

The person in question applied for additional quota on the grounds of animal disease in the 2004-05 quota year. The tribunal examined his application in January 2005 and recommended an allocation on that occasion. He appealed this decision, and his case was reviewed by the tribunal recently. On appeal, the tribunal recommended an additional allocation of quota and notification of this issued to the person and his co-op last week.

Land Annuity Payments.

255. Mr. Timmins asked the Minister for Agriculture and Food the number of persons in County Wicklow who make land annuity payments for land obtained from the Land Commission; and if she will make a statement on the matter. [16264/05]

Minister for Agriculture and Food (Mary Coughlan): The number of persons with current obligations to my Department in respect of capital and-or interest payments on foot of land purchase annuities in County Wicklow is 74.

EU Funding.

256. Mr. Aylward asked the Minister for Agriculture and Food if she will examine the projected changes in EU funding for Ireland from 2007 to 2012; the categories of funding and objectives of the sources of the new funding; and the co-funding rates for each of the categories. [16265/05]

Minister for Agriculture and Food (Mary Coughlan): In February 2004, the Commission proposed financial ceilings for market supports and direct payments under the Common Agricultural Policy for the period 2007 to 2013, which would provide additional funding for Bulgaria and Romania on top of the amounts agreed in October 2002 by the European Council for the EU25. The Commission has also proposed that €88.75 billion would be provided for rural development in the enlarged EU27 over the same period.

The Commission proposed that the support for rural development should contribute to three objectives. First, it would improve the competitiveness of agriculture and forestry through support for restructuring, development and innovation. Second, it would improve the environment and the countryside through support for land management. Third, it would improve the quality of life in rural areas and encourage diversification of economic activity. In Ireland’s case, the maximum co-funding rates would be 50% for the first and third objectives and 55% for the second objective. However, a 55% maximum rate would also apply to measures delivered through the Leader model which falls within the third objective. The various proposals have been under examination by my Department and have been the subject of discussions at EU level, including at the Council and European Council, since their publication. The negotiations will continue for some time and my objective will be to ensure the best possible outcome for Irish agriculture, the food industry and rural communities.

Departmental Properties.

257. Mr. Timmins asked the Minister for Agriculture and Food if she will provide a list of all the assets worth more than €100,000 that her Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if she will make a statement on the matter. [16307/05]

Minister for Agriculture and Food (Mary Coughlan): There has been a number of asset disposals during the period in question. My Department is gathering the information requested and a comprehensive reply will be issued to the Deputy as soon as possible.

Question No. 258 answered with Question No. 251.

259. Mr. Kenny asked the Minister for Agriculture and Food if she will supply an inventory of all assets, specifically land and buildings, disposed of by her Department in each of the past
ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16409/05]

Minister for Agriculture and Food (Mary Coughlan): There has been a number of asset disposals during the period in question. My Department is gathering the information requested and a comprehensive reply will issue to the Deputy as soon as possible.

Question No. 260 answered with Question No. 38.

Garda Stations.

261. Mr. Morgan asked the Minister for Justice, Equality and Law Reform if it is planned to provide a new Garda station at Dromad, County Louth; the location of the new station; if land has been acquired for this purpose; and when work will commence on the construction of the new station. [15922/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am aware of the existing accommodation facilities at Dromad Garda station. It is the intention to provide alternative accommodation for the gardaí serving there as soon as practicable, and in that regard my Department has submitted a specific proposal to the Office of Public Works which is considering a number of options in the matter. Accordingly, the Deputy will, I hope, appreciate that I cannot be more specific at this time.

Garda Deployment.

262. Mr. Kehoe asked the Minister for Justice, Equality and Law Reform the crime statistics for Leighlinbridge, County Carlow, for 2000, 2001, 2002, 2003 and 2004; if he will consider increasing the number of gardaí in the area; and if he will also consider establishing a full-time Garda station in the area. [15923/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In interpreting these figures, account must also be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

The following tables show the headline offences for the years 2000 to 2004, inclusive, for the Carlow Garda district which covers the Leighlinbridge area.

The number of Garda personnel assigned to each station, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible Garda service is provided to the general public. In this regard, in addition to the specific resources available to stations, there has also been a considerable increase since 1997 in the number of gardaí serving in national units. Specialist Garda units such as the Garda national drug unit, the national bureau of criminal investigation, the Criminal Assets Bureau and the Garda bureau of fraud investigation operating under the assistant commissioner in charge of national support services, have enabled the Garda Síochána to tackle serious crime effectively. These specialist units work closely with gardaí operating at district and divisional level.

As regards Garda resources generally, I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the programme for Government commitment in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to increase very significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing. They will have a real impact.
Visa Applications.

263. Mr. McGuinness asked the Minister for Justice, Equality and Law Reform the status of an application for persons regarding unification in the name of a person (details supplied) in County Kilkenny; if a decision in the case will be expedited; and the timeframe involved.

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question sought to enable the wife and children of a person who has temporary leave to remain here until 5 March 2006 to join him in the State. Having given full consideration to the applications the visas were refused because the visa officer was not satisfied, on the basis of documentation supplied, that the applicants could be fully supported by the spouse in the State without the possible need to have recourse to public funds and resources. The applications were refused on 27 January 2005 and my Department notified the Department of Foreign Affairs the following day.

264. Mr. McGuinness asked the Minister for Justice, Equality and Law Reform if a holiday visa will be approved for a person (details supplied); and if a decision in the case will be expedited.

Minister for Justice, Equality and Law Reform (Mr. McDowell): To date, my Department has not received the visa application to which the Deputy is referring.

Crime Levels.

265. Mr. O'Dowd asked the Minister for Justice, Equality and Law Reform the headline offences recorded and detected for the Drogheda area from 2000 to 2004.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 265 to 267, inclusive, together.

As regards crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to six per 1,000 over the longer period of eleven quarters for which figures are available. This trend is reflected throughout most Garda districts in the country.

In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has decreased from 6.7 per 1,000 population to six per 1,000 over the longer period of eleven quarters for which figures are available. This trend is reflected throughout most Garda districts in the country.

The following tables show the headline offences for the years 2000 to 2004, inclusive, for the Drogheda Garda district, the Dundalk Garda district and the Navan Garda district which covers the Ardee area.

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*Statistics for 2004 are provisional-operational and liable to change.*
**Headline Offences for Drogheda Garda District for the years 2000 to 2004**

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*Statistics for 2004 are provisional-operational and liable to change.*

**Headline Offences for Dundalk Garda District for the years 2000 to 2004**

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*Statistics for 2004 are provisional-operational and liable to change.*

**Headline Offences for Navan Garda District for the years 2000 to 2004**

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*Statistics for 2004 are provisional-operational and liable to change.*

**Tribunals of Inquiry.**

268. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the complaints of persons (details supplied); if there is substance in any or all of the
I am aware of the complaints of Mr. McDowell: the matter. [15929/05]

The Government for its part will also act quickly, to apportion blame wherever it feels necessary.

In deciding on costs he made deductions in some cases and totally rejected other applications where he was of the opinion that the individual concerned had deliberately lied or otherwise hindered him in his efforts to get to the truth.

It is crucial that this power is available to tribunals and is not undermined. To interfere with it, however well intentioned the motives, would blunt the effectiveness of tribunals in general and the Morris tribunal in particular, in uncovering the truth and I am not prepared to do that. I have consistently maintained this policy.

As regards other issues connected with the tribunal and the position of the persons concerned in relation to it, the fact is that the forum exists for the full truth of what happened in County Donegal to emerge. The Morris tribunal has demonstrated its effectiveness and the Government has demonstrated its readiness to take action on foot of its findings. I urge everyone connected with the work of the tribunal to co-operate fully with its inquiry.

A report on the second module is anticipated in the near future and, on the evidence of the first report, clearly the tribunal will be forthright in its comments and criticisms and will not hesitate to apportion blame wherever it feels necessary. The Government for its part will also act quickly, as it did in the light of the first report, in response to the findings of the tribunal.

On the issue of costs to date, it is expected that the tribunal will hear applications for costs associated with the second module on 13 June. This may prove to be of assistance to the persons concerned who will be entitled to make an application for costs.

Citizenship Applications.

269. Mr. Cregan asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for naturalisation by a person (details supplied) in County Limerick. [15930/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 15 March 2004. The average processing time for such an application is currently 24 months. On the basis of the current average processing time, it is likely therefore that the application of the individual concerned will be finalised in early 2006. I will inform both the applicant and the Deputy as soon as I have reached a decision on the application in question.

Asylum Applications.

270. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for asylum by a person (details supplied). [15931/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned has instituted judicial review proceedings challenging a deportation order made in respect of him and, accordingly, as the matter is sub judice, I do not propose to comment further in this case.

Registration of Title.

271. Mr. Fleming asked the Minister for Justice, Equality and Law Reform when an application to register land by a person (details supplied) in County Laois will be completed. [15932/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a transfer sale which was originally lodged on 12 December 2004 — dealing No. D2004TJ026975X refers. I am further informed that the application was rejected on 1 March, 2005 and re-lodged on 11 March 2005 — dealing No. D2005TJ005850B refers. I am also informed that a query issued to the lodging solicitors on 15 March 2005 and that the application cannot proceed until this query has been satisfactorily resolved. I assure the Deputy, however, that on receipt of a satisfactory reply the matter will receive further attention in the Land Registry.
Visa Applications.

272. Mr. Gregory asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 238 of 27 April 2005 and the comprehensive information provided (details supplied), if he will regularise the child’s permission to remain with their parents and allow them to obtain a temporary visa to participate in the youth exchange visit to Germany in June 2005. [15933/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that permission to remain for the child in question has been granted.

Registration of Title.

273. Mr. Aylward asked the Minister for Justice, Equality and Law Reform if a dealing with the Land Registry Office on behalf of a person (details supplied) in County Kilkenny will be expedited. [15973/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for voluntary transfer which was lodged on 30 November, 2004 — dealing No. D2004TJ025267R refers. I am further informed that this application was completed on 13 May 2005.

Crime Levels.

274. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the crime statistics for the Cobh area of County Cork for 2000, 2001, 2002, 2003 and 2004 under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15984/05]

275. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the crime statistics for the Youghal area of County Cork for 2000, 2001, 2002, 2003 and 2004 under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15985/05]

276. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the crime statistics for the Midleton area of County Cork for 2000, 2001, 2002, 2003 and 2004 under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15986/05]

277. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the crime statistics for the Fermoy area of County Cork for 2000, 2001, 2002, 2003 and 2004 under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15987/05]

278. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the crime statistics for the Mitchelstown area of County Cork for 2000, 2001, 2002, 2003 and 2004 under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15988/05]

279. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the crime statistics for the Mallow area of County Cork for 2000, 2001, 2002, 2003 and 2004 under each headline, including the total recorded and detected; and if he will make a statement on the matter. [15989/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 274 to 279, inclusive, together.

With regard to crime figures the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to six per 1,000 population over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts.

In interpreting these figures account has to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also note that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

The following tables show the headline offences, for the years 2000 to 2004, inclusive, for the Cobh Garda district, Midleton Garda district which covers Youghal, Fermoy Garda district which covers the Mitchelstown area, and Mallow Garda district.

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<td>Dec</td>
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<td>Dec</td>
<td>Rec</td>
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<tr>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assault</td>
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<tr>
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<td>9</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Drugs</td>
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<td>11</td>
<td>11</td>
<td>11</td>
<td>13</td>
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### Headline offences for Midleton Garda District for the years 2000 to 2004*.

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<td>Dec</td>
<td>Rec</td>
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<tr>
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<td>0</td>
<td>3</td>
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<tr>
<td>Assault</td>
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<td>13</td>
<td>4</td>
<td>11</td>
<td>5</td>
<td>36</td>
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<tr>
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<tr>
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<td>276</td>
<td>71</td>
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<tr>
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<td>1</td>
<td>3</td>
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<td>Fraud</td>
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</tr>
<tr>
<td>Total</td>
<td>536</td>
<td>208</td>
<td>534</td>
<td>189</td>
<td>610</td>
</tr>
</tbody>
</table>

*Statistics for 2004 are provisional-operational and liable to change.

### Headline offences for Fermoy Garda District for the years 2000 to 2004*.

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<td>Rec</td>
<td>Dec</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assault</td>
<td>18</td>
<td>17</td>
<td>34</td>
<td>27</td>
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<td>Sexual Offences</td>
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<td>17</td>
<td>7</td>
<td>26</td>
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<td>Arson</td>
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<td>6</td>
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<tr>
<td>Drugs</td>
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<td>13</td>
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<td>18</td>
</tr>
<tr>
<td>Thefts</td>
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<td>51</td>
<td>209</td>
<td>44</td>
<td>223</td>
</tr>
<tr>
<td>Burglary</td>
<td>101</td>
<td>14</td>
<td>138</td>
<td>10</td>
<td>133</td>
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<tr>
<td>Robbery</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Fraud</td>
<td>26</td>
<td>21</td>
<td>19</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
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<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>346</td>
<td>128</td>
<td>442</td>
<td>114</td>
<td>472</td>
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</table>

*Statistics for 2004 are provisional-operational and liable to change.

### Headline offences for Mallow Garda District for the years 2000 to 2004*.

<table>
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<tr>
<td>Assault</td>
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<tr>
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<td>6</td>
</tr>
<tr>
<td>Arson</td>
<td>3</td>
<td>0</td>
<td>8</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>
Court Cases.

280. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 238 of 23 March 2005, the reason he has failed to furnish the information requested seeking information on the number of cases relating to any aspect of immigration which are before the courts; the category into which each case falls; the average length of time that each case is before the courts and if immigration related cases have created a problem for the operation of any court; and if he will provide a response on the public record to this question. [15990/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I replied to the Deputy by letter dated 5 May 2005, the details of which I repeat hereafter.

The question is very broad and it has proved difficult to identify those cases before the courts which relate to “any aspect of immigration”. There are three types of court cases which could potentially fall within the ambit of the question. These are where charges under various laws have been brought against non-nationals in the State; where charges have been brought against non-nationals under specific provisions of immigration legislation and where civil actions have been taken by non-nationals challenging decisions in the refugee or immigration areas.

In regard to the first category my Department cannot identify extant cases where charges have been brought against non-nationals in the State. There is no specific record kept in my Department of criminal cases specifically involving non-nationals and even if there were, it would then be difficult to identify which of those cases, if any, involved an “aspect of immigration”.

In regard to the second category there are numerous specific offences created by immigration legislation. For example, section 5(9) of the Immigration Act 2003 provides that a person who obstructs or hinders his or her removal from the State shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding €3,000 or to imprisonment for not more than 12 months or to both. Likewise, section 12(2) of the Immigration Act 2004 provides that a non-national who fails to produce a valid passport, identity document or registration certificate when requested, in the absence of a satisfactory explanation, shall be guilty of an offence. In regard to these types of specific immigration related offences my Department does not collect data on cases before the courts.

My Department and offices under its aegis have information in regard to the third category. This category of cases consists mainly of applications for judicial review in the High Court of decisions made by either the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal or my Department. It includes judicial review challenges to deportation orders made by me. It also includes a small number of cases appealed to the Supreme Court and applications for inquiries into the detention of persons as provided for in Article 40 of the Constitution.

The following table shows the caseload as at 31 March 2005 broken down by the various offices/administrative areas which are responding to the cases. It should be noted that the caseload shown for each sub-category is not exclusive to that category as several cases involve challenges to more than one aspect of the refugee-immigration processes. Rather, the breakdown into sub-categories reflects the volume of cases with which each office is involved.

<table>
<thead>
<tr>
<th>Sub-Category</th>
<th>No. of Cases</th>
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</thead>
<tbody>
<tr>
<td>Refugee Applications Commissioner</td>
<td>44</td>
</tr>
<tr>
<td>Refugee Appeals Tribunal</td>
<td>293</td>
</tr>
<tr>
<td>Formal refusals of refugee status and related matters</td>
<td>11</td>
</tr>
<tr>
<td>Deportation orders and related matters</td>
<td>360</td>
</tr>
<tr>
<td>General Immigration</td>
<td>10</td>
</tr>
<tr>
<td>Citizenship/Naturalisation</td>
<td>9</td>
</tr>
</tbody>
</table>

The question asks the average length of time that each case is before the courts. It is not possible to state an average time due to the variables involved, including the nature of the proceedings and the complexities of the issues involved. Article 40 inquiries into a person’s detention are normally heard and determined within a matter of a few days in view of the urgency of the issues. Some of the more straightforward judicial review cases have been determined within a matter of a few months due to the particular urgency of the
case, for example, where an injunction issue was involved. More complex cases have been before the courts for more than 12 months before a final determination is reached. For example, the L and O cases involving issues related to the deportation of parents of Irish born children took 15 months to be finally determined. Furthermore, there are a small number of judicial review cases in hand challenging deportation orders where the proceedings were filed in 2000.

Departmental Publications.

281. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform the reason his Department’s annual report for 2004 has not been published to date; and the expected date of publication. [15991/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department is finalising its annual report for 2004 and I anticipate that it will be published in mid-year, following its translation into Irish. The Deputy may be interested to note that my Department has recently completed its third progress report on the implementation of An Agreed Programme for Government commitments for which it is responsible — almost 70 commitments in total. The progress reported on these commitments will form part of the Government’s 2005 agreed programme annual progress report which will be published in due course. The implementation of these An Agreed Programme for Government commitments forms a substantial part of the work of the Department and the progress on their implementation will also be reflected in my Department’s 2004 annual report when published.

Public Order Offences.

282. Mr. Gregory asked the Minister for Justice, Equality and Law Reform if the Garda authorities will provide a report regarding the upsurge in anti-social behaviour at the partly detainted Dominic Street flats in Dublin 1; and if he will make a statement on the matter. [15998/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from the Garda authorities that local management is aware of an increase in anti-social behaviour at the location referred to by the Deputy. I understand that over the past eight weeks 39 persons have been arrested for public order offences at the location. I am further informed that mobile and foot patrols, particularly community gardaí, are giving increased attention to the area and will ensure that a concentrated visible presence is maintained in the area. I have been assured that local Garda management is monitoring the position and taking a proactive approach to deal with the problems highlighted.

Child Care Services.

283. Mr. Kehoe asked the Minister for Justice, Equality and Law Reform when a decision will be made concerning funding for a centre (details supplied) under the equal opportunities child care programme; if his Department has received an application for such funding; and if he will make a statement on the matter. [16009/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The equal opportunities child care programme, EOCP, is a seven year development programme and provides grant assistance towards the staffing costs of community based and not-for-profit child care services which have a clear focus on disadvantage and can demonstrate they are supporting disadvantaged parents to access employment, education or training. The group in question has received staffing grant assistance totalling €115,786 which covered the period to end July 2005. Staffing grants are normally made available for three years in the first instance. The Deputy may be aware that I approved the continuation of the existing levels of staffing grant assistance until 31 August 2005 for those groups whose first three years of funding had elapsed and which showed, following a short reassessment, that they were continuing to deliver child care services in accordance with agreed targets. The Deputy may also be aware that I am extending to the end of December 2007 the terms of the existing staffing grants to groups which continue to deliver a child care service in accordance with their pre-agreed targets. To benefit from such funding the groups must continue to pay particular attention to the support of disadvantaged families and the implementation of a fee structure tailored to the differing economic circumstances of the client group, which ensures that child care places subsidised by the EOCP are targeted towards those most in need. Accordingly, if the group in question is continuing to deliver child care services in accordance with its pre-agreed targets and meets the criteria set out above, it can expect to continue to receive staffing grant support until the end of 2007.

Citizenship Applications.

284. Mr. Perry asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 475 of 24 February 2004, the progress made on this naturalisation (details supplied); when it will be completed; and if he will make a statement on the matter. [16020/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application for a certificate of naturalisation from the person referred to by the Deputy is in the final stages of processing and will be submitted to me for a decision as soon as possible. I will inform both the applicant and the Deputy as soon as I have made a decision in the matter.
Garda Computer Systems.

285. Mr. Costello asked the Minister for Justice, Equality and Law Reform the number of virus attacks and hacker attacks on Garda computer systems that have been prevented in 2002, 2003, 2004 and to date in 2005; the number which have caused difficulties to systems; the kind of difficulties they have caused; the number of people who have been questioned by gardaí or others about such incidents during those separate periods; the number of arrests made; the number of prosecutions; the resources provided to prevent virus or hacker attacks; the number of systems files stolen by hackers or copied; if the Garda is satisfied with protection procedures in place to prevent people hacking into systems; the amount of money spent on protecting Garda computer systems annually; and if he will make a statement on the matter. [16021/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána has a number of computer systems in operation and employs a wide range of security solutions, policies and procedures to safeguard these systems from unwarranted intrusion and attack. I am informed by the Garda authorities that, as a consequence of these security policies and practices, Garda systems have not suffered from an invasive attack from 2002 to date.

In keeping with industry accepted security practices neither the tools nor methodologies used to protect the IT systems and their capabilities to detect or counter specified attacks are published as it is of a sensitive nature. Security is managed by a set of specialist commercial products in a specialist mix, unique to the Garda environment.

Similarly, the amount of money spent on protecting Garda systems annually is sensitive information. That said, the Garda authorities are of the opinion that the financing of their security measures is currently adequate. Protecting Garda systems from virus and hacker attacks is an ongoing task and, where necessary, additional resources are made available from time to time.

Residency Permits.

286. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform if his Department will urgently return passports to persons (details supplied) in Dublin 16. [16061/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State on the basis of parentage of an Irish born child under the revised arrangements was received from the persons concerned on 31 March 2005. The applicants have not as yet formally advised my Department of the cancellation of their applications. The applications are currently being processed and the passports were returned to the persons concerned by registered post on 12 May 2005.

Visa Applications.

287. Mr. Howlin asked the Minister for Justice, Equality and Law Reform the position regarding receipt of a visitor visa application for a person (details supplied); when a decision on this visa application will be conveyed; and if he will make a statement on the matter. [16093/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was to enable the mother of a non-EEA national to visit with family in the State. In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa, for example, it is unlikely the applicant would overstay the length of time applied for. In all cases the onus is on the applicant to demonstrate to the satisfaction of the visa officer that he or she would observe the conditions of any visa which could issue. The applicant provided no information of a social, economic or professional nature with her home country which would lead the visa officer to conclude that the applicant would return following the proposed visit. The visa was refused on 1 September 2004 and the decision was sent to Kiev two days later.

The application is now over seven months out of date. It is of course open to the applicant to make a fresh application. Any such application should include up to date supporting documentation and the application will be considered anew.

Dublin-Monaghan Bombings.

288. Mr. F. McGrath asked the Minister for Justice, Equality and Law Reform the reason the committee of independent academics, which is to advise his Department on access to the files on the Dublin and Monaghan bombings, has not yet been established; when it will be established; and if he will make a statement on the matter. [16133/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my announcement of 30 December 2004 on enhanced access to the Department’s historic records to complement the arrangements already in place for the transfer of 30 year old records to the National Archives under the provisions of the National Archives Act 1986.

The records in question are those which are over 30 years old but have not previously been made available for inspection. The scope of this access will not be confined to files relating to the Dublin and Monaghan bombings or indeed to any other specific matter.

Proposals to facilitate access for academics and scholars to such records are currently being prepared. This will involve the appointment of a group of prominent academic figures to advise the Department on the best approach to take. I
[Mr. McDowell.] intend to make an announcement regarding the membership of this committee in the near future.

**Garda Liaison.**

289. Mr. Gregory asked the Minister for Justice, Equality and Law Reform if the Garda authorities in the Bridewell, Dublin 7, will liaise with Dublin City Council to implement measures to prevent the rear of properties of the council (details supplied) in Dublin 7 from being used for drug misuse; and if he will make a statement on the matter. [16136/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management meet representatives from Dublin City Council on a quarterly basis to discuss matters of mutual interest and that gardaí have discussed the problem of drug misuse at the location mentioned with Dublin City Council. I am further informed that since these discussions derelict sheds at the location have been removed, leading to a noticeable reduction in problems. Gardaí have adopted a proactive approach in this regard and have made seven arrests during the past month at the location in question.

**Garda Recruitment.**

290. Mr. P. Breen asked the Minister for Justice, Equality and Law Reform when the vacant post of Garda sergeant in Kilkee, County Clare, will be filled; and if he will make a statement on the matter. [16142/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities who are responsible for the detailed allocation of resources, including personnel, that it is the responsibility of the divisional officer for County Clare to allocate personnel within his or her division. I have been further informed by the Garda authorities that the current personnel strength of Kilkee Garda station is two gardaí.

Garda management will continue to appraise the policing and administrative strategy employed in the Clare division with a view to ensuring an effective Garda service is maintained. The situation will be kept under review and when additional personnel next become available, the needs of the Clare division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

On Garda resources generally, I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner is now drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of Kilkee Garda station will be fully considered within the context of the needs of Garda stations throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and they will have a real impact.

**Residency Permits.**

291. Mr. Gormley asked the Minister for Justice, Equality and Law Reform if he has received correspondence from a person (details supplied) if he intends to act on the requests made in this correspondence; and if he will make a statement on the matter. [16144/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have received correspondence from and on behalf of the persons referred to in the Deputy’s question. The persons concerned have instituted judicial review proceedings, challenging a decision to refuse residency, which are ongoing in the High Court. It is not the practice to engage in detailed correspondence on the substance of matters which are the subject of an ongoing court challenge. For the same reason it would not be appropriate for me to comment further on the case.

**Registration of Title.**

292. Mr. Penrose asked the Minister for Justice, Equality and Law Reform if an application for first registration by a person (details supplied) in County Westmeath will be expedited; and if he will make a statement on the matter. [16203/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have received correspondence from a person (details supplied); if he intends to act on the requests made in this correspondence; and if he will make a statement on the matter. [16203/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for first registration which was lodged on 14 March 2005 — dealing No. D2005XS007295Y refers. I am further informed that queries issued to the lodging solicitor on 12 May 2005 and that the application cannot proceed until these queries have been satisfactorily resolved.

Due to the complicated nature of this type of case, which requires examination of an applicant’s entitlement to the property concerned, it is not possible to estimate a date of completion at this time. However, I assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.
Visa Applications.

293. Mr Penrose asked the Minister for Justice, Equality and Law Reform if an application for a visitors visa by a person (details supplied) will be expedited; and if he will make a statement on the matter. [16204/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of a visa application from the person named in the details supplied by the Deputy. The Deputy should forward the reference number of the visa application in question to the immigration division of my Department in order to enable a check on the status of the application.

Garda Stations.

294. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform the number of Garda stations nationwide; the number in each division; and if he will make a statement on the matter. [16208/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the number of Garda stations in each Garda division as of May 13, 2005 was as set out in the table:

<table>
<thead>
<tr>
<th>Division</th>
<th>Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow/Kildare</td>
<td>31</td>
</tr>
<tr>
<td>Cavan/Monaghan</td>
<td>35</td>
</tr>
<tr>
<td>Clare</td>
<td>28</td>
</tr>
<tr>
<td>Cork City</td>
<td>18</td>
</tr>
<tr>
<td>Cork North</td>
<td>28</td>
</tr>
<tr>
<td>Cork West</td>
<td>43</td>
</tr>
<tr>
<td>D.M.R. East</td>
<td>11</td>
</tr>
<tr>
<td>D.M.R. North Central</td>
<td>5</td>
</tr>
<tr>
<td>D.M.R. North</td>
<td>10</td>
</tr>
<tr>
<td>D.M.R. South Central</td>
<td>7</td>
</tr>
<tr>
<td>D.M.R. South</td>
<td>6</td>
</tr>
<tr>
<td>D.M.R. West</td>
<td>9</td>
</tr>
<tr>
<td>Donegal</td>
<td>45</td>
</tr>
<tr>
<td>Galway West</td>
<td>39</td>
</tr>
<tr>
<td>Kerry</td>
<td>37</td>
</tr>
<tr>
<td>Laois/Offaly</td>
<td>30</td>
</tr>
<tr>
<td>Limerick</td>
<td>33</td>
</tr>
<tr>
<td>Longford/Westmeath</td>
<td>28</td>
</tr>
<tr>
<td>Louth/Meath</td>
<td>37</td>
</tr>
<tr>
<td>Mayo</td>
<td>41</td>
</tr>
<tr>
<td>Roscommon/Galway East</td>
<td>37</td>
</tr>
<tr>
<td>Sligo/Leitrim</td>
<td>28</td>
</tr>
<tr>
<td>Tipperary</td>
<td>46</td>
</tr>
<tr>
<td>Waterford/Kilkenny</td>
<td>37</td>
</tr>
<tr>
<td>Wexford</td>
<td>34</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>703</strong></td>
</tr>
</tbody>
</table>

Road Safety.

295. Ms Shortall asked the Minister for Justice, Equality and Law Reform the number of fixed speed cameras operating at any one time; his views on whether this number is adequate in view of the continuing level of accidents and road deaths; his plans for the provision of additional speed cameras to reduce the level of road deaths; and if he will make a statement on the matter. [15562/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities inform me that currently there are three fixed speed cameras rotated between the 20 fixed camera installation posts. I am also informed by the Garda that there is a range of mobile speed detection equipment, including six Gatso vans, a mobile unit with on board cameras, radar and computer system, in operation throughout the State. There are also currently in use by the Garda Síochána a number of laser speed detection equipment, including hand-held speed detection devices and car and motorcycle systems.

The Government’s road safety strategy 2004-06 proposes that 1.1 million vehicle speeding checks be carried out per year by the end of the strategy. To achieve this target, the strategy proposes that the Garda Síochána will enter into arrangements for the engagement of a private sector concern for the provision and operation of a nationwide programme for the detection of speeding offences. The strategy makes clear that the overall performance criteria to be applied to the outsourced detection of speeding offences would be determined by the Garda Síochána and camera detection facilities would be used at locations where the Garda Síochána determine there is an established or prospective risk of collisions. The purpose of the initiative would be to increase road safety and thereby reduce death and injuries, not increase revenue. Outsourcing of the operation of camera equipment would enable the Gardaí to withdraw from non-core policing matters and free up Garda resources for enforcement purposes, thus allowing gardaí to concentrate on detections requiring direct interception, such as driving while intoxicated.

A working group on speed cameras chaired by my Department, and consisting of representatives of the Garda Síochána, the Department of Transport and the National Roads Authority, examined how the provision, operation and processing of the output of speed cameras might operate. Among the issues considered by the working group were the benefits and financial aspects of outsourcing and the management of any outsourcing project. The working group has submitted its report to my colleague the Minister for Transport and me and we are currently examining it with a view to bringing proposals to Government.
Garda Security Escorts.

296. Mr. Sherlock asked the Minister for Justice, Equality and Law Reform the criteria that are used in determining the consignments of cash in transit by security firms which merit a military escort; the process by which such a decision is reached; the number of such escorts that are provided each year; and if he will make a statement on the matter. [12346/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the criteria for determining the level of security provided for cash in transit vehicles is made having taken all material facts into consideration, such as the amount of money being carried, the planned routes and any other relevant information. These factors, together with an analysis of available information and intelligence, assist in categorising the level of armed protection to be afforded in such cases.

For operational reasons, it is not the practice of the Garda Síochána to provide details of the number of Garda-Army escorts carried out in the State.

Question No. 297 answered with Question No. 13.

Child Care Services.

298. Mr. G. Murphy asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the recent capital grant allocations for the provision of child care facilities to community groups are up to €400,000 less than the amount required to build the facilities. [16193/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Among the key criteria for the award of capital grant assistance under the Equal Opportunities Childcare Programme 2000-2006 is a requirement that the proposed project represents value for money. ADM Limited, which manages the day to day operation of the programme on my behalf, engaged consultants to review the design and cost of new child care services and prepared guidelines with regard to typical costs for a range of different service types. These guidelines have been updated and the amounts of funding now being awarded to groups are based on these guidelines, although cognisance is taken of special circumstances, such as a difficult site, where appropriate.

It is appropriate to maximise the benefits which can be derived from this large programme through the prudent allocation of funding. It is always open to groups to appeal the amount of their allocation if there are particular circumstances which they may have overlooked in their initial application.

The EOCP is the central pillar in the Government’s child care strategy and is intended to increase the availability and quality of child care supports for parents in employment, education or training. The programme is funded by the Exchequer and the European Union structural funds as part of the regional operational programmes of the national development plan.

The programme makes capital grant assistance available to community based/not for profit organisations to build, renovate or equip a childcare service, if their proposal meets with the objectives of the EOCP programme. In areas of significant disadvantage, multi-annual staffing grants may be available to community based groups providing child care which meets the needs of disadvantaged parents, to enable them to avail of work, education or training opportunities.

Considerable progress has already been achieved in terms of increasing the number of child care facilities and places available, as well as increasing the number of people employed directly in childcare facilities and the programme is now ahead of and will exceed the targets.

Total funding committed under the EOCP to date amounts to over €357 million, of which over €302 million has been allocated to child care facilities and almost €55 million to quality improvement measures. It is projected that this will create some 36,000 new child care places and will support over 30,200 existing places. By the end of 2004, over 24,600 of these new child care places were already in place. A significant part of the remaining funding will be required for continuing support to existing projects and for the provision of capital grant assistance for the development of child care facilities in areas where there are gaps in service provision.

The principles of the programme state, inter alia, that child care is the provision of day-care facilities and services for preschool children and for school-going children out of school hours. To receive grant support, an application must show that the proposed service will facilitate parents to avail of employment, educational or training opportunities; be sustainable; be of high quality; have sound management, a good child care programme and training; represent value for money; and not displace existing facilities.

Area Development Management Limited, which administers the grant assistance applications on behalf of my Department, carries out a technical assessment of each project to ensure that the project meets with the EOCP criteria. This assessment includes a detailed study of costings, including cost per child care place being provided compared with other facilities funded under the EOCP, reports supplied by external building specialists and likely value for money of the proposal.

When the assessment is completed, ADM makes a recommendation regarding the allocation of funding to the programme appraisal committee, chaired by my Department, which makes a recommendation for funding to me. Where a positive recommendation is made, the
amounts recommended are considered appropriate for the facility under consideration.

Deportation Orders.

299. Mr. Fleming asked the Minister for Justice, Equality and Law Reform if a deportation order against a person (details supplied) will be lifted in order that the Romanian authorities may lift a travel ban on same. [16237/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 9 August 1999 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with the Immigration Act 1999, as amended, she was informed by letter dated 31 December 2002, that it was proposed to make a deportation order in her case. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out reasons why she should be allowed remain temporarily in the State, leaving the State before the deportation order is made or consenting to the making of a deportation order.

On 21 January 2003 representations were received on her behalf. On 25 April 2003, through her legal representatives, she was again afforded the opportunity to return voluntarily to Romania to await the outcome of an application for a work permit on her behalf by a prospective employer. She was informed that as an exceptional measure the Department would allow her a further 15 working days before making a decision on her case.

Her case was examined under section 3 of the Immigration Act 1999, as amended and section 5 (prohibition of refoulement) of the Refugee Act, as amended, including consideration of all representations received on her behalf. On 11 March, 2004 a deportation order was made in respect of her. The order was served on her by registered post on 20 October 2004 following which she was deported from the State on 17 November 2004.

It should be noted that a deportation order requires any non-national specified in the order to leave the State within such period as may be specified in the order and to remain thereafter out of the State. Deportation orders are not made lightly and are only made in circumstances where the person concerned has no permission to remain in the State and has failed to return home voluntarily before the making of the order. Nonetheless, on the basis of the particular circumstances of the case which have been brought to my attention I am giving the matter further consideration and I will communicate my decision to the relevant parties shortly.

Departmental Charges.

300. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform, further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16245/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A review along the lines described by the Deputy is under way in my Department. This work is ongoing but to date no charges have been identified for which there is not an adequate legal basis.

Child Care Services.

301. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform when he will make a decision on staffing grant assistance for a centre (details supplied) in County Cork. [16252/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Equal Opportunities Childcare Programme 2000-2006 is a seven year development programme and provides grant assistance towards the staffing costs of community based/not for profit child care services which have a clear focus on disadvantage and which can demonstrate that they are supporting disadvantaged parents to access employment, education or training.

The group in question has been approved staffing grant assistance to date totaling €490,000 and this covers the period to the end of August 2005. The Deputy may also be aware that I am now extending to the end of December 2007 the terms of the existing staffing grants to groups that continue to deliver a childcare service in accordance with their pre-agreed targets. To benefit from such funding, the groups must continue to pay particular attention to the support of disadvantaged families and the implementation of a fee structure tailored to the differing economic circumstances of the client group and which ensures that childcare places subsidised by the EOCP are targeted towards those most in need.

Prisoner Transportation.

302. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform if a report was completed on the possible privatisation of the prison escort service; and if he will provide details of the findings of such report. [16266/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In 1999, the Director General of the Irish Prison Service appointed a review group for the purpose of reviewing the prisoner transportation system in operation at that time in light of the need for efficiency and cost effectiveness and to make recommendations. Membership of the group consisted of representatives of the...
The group visited Britain and examined the contracted out systems of prisoner escort services in operation there, meeting with representatives of the service providers and the relevant government officials. Home Office monitors consulted by the group were very positive in their overall assessment of the service providers performance in their particular area and formed the opinion that prisoner escort services were well researched and equipped, tightly controlled by management, rigidly regulated by the supervisory authority and well received by staff in the criminal justice system and offenders.

The principle findings of the report were that the escorting of prisoners, while requiring the services of trained personnel, does not require the professional and wide-ranging skills of trained prison officers and gardaí, the disruptive and unpredictable nature of the task is not conducive to forward planning and there is some duplication between the Garda Síochána and the Prison Service in the provision of prisoner escort services.

The group identified significant scope for rationalisation and improved cost effectiveness in the provision of this service. While offering two options, the provision of an in-house dedicated prisoner escort service and a contracted out escort service, the group recommended the contracting out of prisoner escorts, including manning of courts.

The group made this decision in the light of the similarity of current prisoner transportation practices in this jurisdiction with the arrangements which prevailed in Britain prior to the introduction of contracted out services there and the attendant increased cost effectiveness and efficiencies realised therein. It formed the opinion that the establishment of a dedicated in-house prisoner escort service would entail significant organisational structural changes with attendant start-up costs.

Prison Closures.

303. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform the savings arising from the closure of the Fort Mitchel prison on Spike Island; if they were balanced or outweighed by the additional expense arising elsewhere as a consequence of the closure, giving an analysis in each case. [16267/05]

I am further informed that local Garda management are satisfied that the resources allocated to Shankill Garda station are sufficient to effectively and efficiently police the Shankill sub-district.

On Garda resources generally, I am pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner is now drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of Shankill Garda station will be fully considered within the context of the needs of Garda stations throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing and they will have a real impact.

Garda Strength.

304. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform the number of gardaí assigned to Shankill Garda station for each of the years 2000-04 and to date in 2005; and if he will make a statement on the matter. [16268/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Shankill Garda station as of December 31, 2000, 2001, 2002, 2003, 2004 and as of May 13, 2005 was as set out in the table:

<table>
<thead>
<tr>
<th>Date</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>31/12/00</td>
<td>53</td>
</tr>
<tr>
<td>31/12/01</td>
<td>48</td>
</tr>
<tr>
<td>31/12/02</td>
<td>53</td>
</tr>
<tr>
<td>31/12/03</td>
<td>55</td>
</tr>
<tr>
<td>31/12/04</td>
<td>61</td>
</tr>
<tr>
<td>13/05/05</td>
<td>63</td>
</tr>
</tbody>
</table>

The closure of Fort Mitchel Place of Detention will yield significant savings by facilitating the transfer of prison staff to other prisons where better economies of scale can apply and where transferred staff can offset and reduce ongoing overtime costs. In addition, savings will arise from non-payment of the allowance which is paid to staff for working on the island, non-operation of the daily ferry to the island and elimination of the above average general costs associated with operating an island facility.
Departmental Bodies.

305. Ms O’Sullivan asked the Minister for Justice, Equality and Law Reform the number of working groups which have been set up by his Department since 2000; the name and expenditure of each working group; and if he will make a statement on the matter. [16269/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out in the table.

<table>
<thead>
<tr>
<th>Working Group Name</th>
<th>Year Established</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Presidency Planning Group</td>
<td>2003</td>
<td>Nil</td>
</tr>
<tr>
<td>Legal Advisory Group on Defamation</td>
<td>2002</td>
<td>€1,108.00</td>
</tr>
<tr>
<td>Expert Group on the Codification of Criminal Law</td>
<td>2003</td>
<td>€64,717.53</td>
</tr>
<tr>
<td>Coroners’ Rules Committee</td>
<td>2001</td>
<td>€44,011.71</td>
</tr>
<tr>
<td>Auctioneering Review Group</td>
<td>2004</td>
<td>€13,663.98</td>
</tr>
<tr>
<td>Justice and Equality Sector Performance Verification Group (JESPVG)</td>
<td>2003</td>
<td>€13,989.47*</td>
</tr>
<tr>
<td>Quality Assurance Group (QAG)</td>
<td>2001</td>
<td>€12,820.49*</td>
</tr>
<tr>
<td>Legal Costs Working Group</td>
<td>2004</td>
<td>Travel and subsistence expenses as well as research costs incurred. Overall figure not readily available.</td>
</tr>
<tr>
<td>Group to examine matters arising from the ‘Report raising concerns of the activity of the Garda Síochána Officers during 1998’ prepared by the Police Ombudsman for Northern Ireland for the Minister for foreign affairs.</td>
<td>2002</td>
<td>€267,147.41</td>
</tr>
<tr>
<td>High Level Group on Traveller Issues</td>
<td>2003</td>
<td>Nil</td>
</tr>
<tr>
<td>Equality Proofing Working Group</td>
<td>2000</td>
<td>€93,000.00</td>
</tr>
<tr>
<td>Steering Group for the National Anti-Racism Awareness Programme (Know Racism 2001-2003)</td>
<td>2001</td>
<td>€4,750,000.00</td>
</tr>
<tr>
<td>Steering Group to oversee the consultative process in the development of the National Action Plan Against Racism</td>
<td>2002</td>
<td>Nil</td>
</tr>
<tr>
<td>Cross Departmental Group on Immigration</td>
<td>2001</td>
<td>Nil</td>
</tr>
<tr>
<td>Working Group on Unaccompanied Minors</td>
<td>2000</td>
<td>Nil</td>
</tr>
<tr>
<td>Interdepartmental Group to develop the effectiveness and accessibility of data in relation to work permit immigrants and asylum seekers.</td>
<td>2002</td>
<td>Nil</td>
</tr>
<tr>
<td>Interdepartmental Group on Asylum and Immigration Issues.</td>
<td>2003</td>
<td>Nil</td>
</tr>
<tr>
<td>Interim Advisory Board on Reception and Integration Agency</td>
<td>2001</td>
<td>€16,247.94</td>
</tr>
<tr>
<td>Equal Opportunities Childcare Programme Appraisal Committee</td>
<td>2000</td>
<td>Nil</td>
</tr>
<tr>
<td>Working Group on School age Childcare of National Co-ordinating Childcare Committee</td>
<td>2001</td>
<td>€5,079.00</td>
</tr>
<tr>
<td>Childminding Subgroup of National Co-ordinating Childcare Committee</td>
<td>2002</td>
<td>Nil</td>
</tr>
<tr>
<td>Advisory Subgroup (for children with special requirements and minority ethnic groups, including Travellers)</td>
<td>2001</td>
<td>€19,905.00</td>
</tr>
<tr>
<td>Certifying Bodies Subgroup of National Co-ordinating Childcare Committee</td>
<td>2000</td>
<td>Nil</td>
</tr>
<tr>
<td>IBEC/ICTU Childcare Working Group (established under Sustaining Progress being facilitated by the Childcare Directorate)</td>
<td>2003</td>
<td>Nil</td>
</tr>
<tr>
<td>Expert Consultation Team on Disability Legislation</td>
<td>2002</td>
<td>€11,911.00</td>
</tr>
<tr>
<td>Review Group to oversee plans for the implementation of the Garda Síochána Bill</td>
<td>2005</td>
<td>Nil</td>
</tr>
<tr>
<td>Working Group on the Review and Improvement of the Maternity Protection Legislation.</td>
<td>2000</td>
<td>€8,625.33</td>
</tr>
<tr>
<td>Garda Síochána Physical Competence Test Review Group</td>
<td>2000</td>
<td>Not readily quantifiable</td>
</tr>
<tr>
<td>Garda Síochána Bill Implementation Advisory Group (Hayes Group)</td>
<td>2005</td>
<td>Nil</td>
</tr>
<tr>
<td>Garda Síochána Bill Implementation Group (internal Departmental group)</td>
<td>2005</td>
<td>Nil</td>
</tr>
<tr>
<td>Prison Based Drug Treatment National Steering Group</td>
<td>2000</td>
<td>Travel and subsistence costs. Figure not readily available.</td>
</tr>
<tr>
<td>Eastern Region Subgroup of the National Steering Group on Prison-based Drug Treatment Services</td>
<td>2002</td>
<td>Travel and subsistence costs. Figure not readily available.</td>
</tr>
<tr>
<td>Committee on Special Observations Cells and Close Supervision Cells</td>
<td>2004</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Where a ‘Nil’ expenditure has been indicated above, some minor routine expenditure may have been incurred by the Department, for example, for light refreshments at meetings, the details of which are not readily available. The above figures also include expenditure in respect of projects initiated by a working group where appropriate, for example the steering group for the national anti-racism awareness programme.

**Departmental Properties.**

306. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16308/05]

308. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16410/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 306 and 308 together.

In the normal course of events, the disposal of land or buildings used by my Department is the responsibility of the Office of Public Works. However, the Prison Service has disposed of several properties in recent years, the details of which are set out below. In 1996 the old Garda station in Kells, County Meath, which was vested in the Minister for Justice, was conveyed to the Department of Defence.

My Department has not disposed of any other assets which exceeded €100,000 in individual value during the period in question.

<table>
<thead>
<tr>
<th>Property</th>
<th>Disposal Price</th>
<th>Year</th>
<th>Purchaser</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everton House, 47 Old Cabra Road, Phibsboro, Dublin 7</td>
<td>€714,694.00</td>
<td>2003</td>
<td>Women’s Aid</td>
</tr>
<tr>
<td>Castleview House, Clooneen, Manorhamilton, County Leitrim</td>
<td>€180,114.70</td>
<td>2004</td>
<td>Private individual</td>
</tr>
<tr>
<td>Shanganagh Castle, Shankill, Co. Wicklow (part of the property i.e. 21 acres approx.)</td>
<td>€9,000,000.00</td>
<td>2003</td>
<td>Dún Laoghaire/Rathdown County Council</td>
</tr>
</tbody>
</table>

All three transactions were conducted by approved property agents on behalf of the Minister for Justice. The agents in all three cases were appointed to handle the transactions following a tender process. Each transaction was approved by the Department of Finance.

Everton House was sold following a tender procedure. Women’s Aid was not the highest bidding party. However a decision was taken at the time that it would be appropriate to sell the property to the Women’s Aid organisation. The property in Manorhamilton was sold to the highest bidder following a tender procedure. The property in Shanganagh Castle was sold to Dún Laoghaire-Rathdown County Council following negotiations between the council and the Prison Service. The proceeds from the Everton House and Manorhamilton transactions were transferred to the prisons Vote from the Chief State Solicitor and will be transferred to Central Exchequer at the end of 2005. While contracts have been signed for the sale of part of the grounds of Shanganagh Castle, the sale has not yet been fully completed.

As of 17 May 2005, 50% of the proceeds, €4.5 million, has been received from the council and these proceeds are held by the Chief State Solicitor’s office. The remaining 50% is scheduled to be lodged by the council with the Chief State Solicitor on 30 May 2005.

**Crime Levels.**

307. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the crime statistics for Clonakilty Garda district in west Cork for the years 2000 to 2004; and if he will give consideration to establishing a further Garda presence in the area, in particular a full-time Garda station in both Skibbereen and Dunmanway. [16325/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest opportunity.

309. Mr. Stanton asked the Minister for Justice, Equality and Law Reform with reference to the Children Act 2001, the community sanctions which have been implemented to date; when they were implemented; the community sanctions which have not been implemented; when these sanctions will be implemented; and if he will make a statement on the matter. [16481/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Children Act 2001 is complex and comprehensive legislation and, for those reasons, provisions under the Act are implemented on a phased basis, as was envisaged at the time of enactment. Responsibility for implementing the Act lies with the Departments of Justice, Equality and Law Reform, Education and Science, mainly in respect of juvenile offending, and Health and Children in respect of children who are non-offending but out of control. The National Children’s Office is co-ordinating the cross-departmental aspects of its implementation.

It was envisaged at the time of enactment that the provisions of the Act would be implemented on a phased basis. The community sanction provisions are largely a matter for the probation and welfare service to implement. Provision is being made by the probation and welfare service to allow for the commencement on a phased basis of the remaining sections of the Act relevant to it.

Regarding community sanctions, Part 9, sections 115 to 139, inclusive, young offenders coming before the courts may be placed under the supervision of the probation and welfare service in accordance with section 2 of the Probation of Offenders Act 1907 or section 3 of the Criminal Justice (Community Service) Act 1983 for those aged 16 years or over. Since May 2002, a restriction on movement order, sections 133 to 136, may be imposed. In addition, since July 2004, courts can order that a family conference be arranged by the probation and welfare service with all interested parties in a case so that an action plan can be drawn up in the individual case. The child concerned must have acknowledged his or her culpability and the action plan must come back to court for approval. If the child complies with the elements of the action plan, the court may, at the end of the period covered by the plan, dismiss the charge or charges.

Regarding parental supervision orders, Part 9, sections 111 and 112, it is envisaged that parental supervision orders will be commenced on a pilot basis later this year. In addition to sourcing relevant programmes, for example drug abuse intervention, budgeting, etc, probation and welfare service staff have attended training which will enable them to deliver a parent training programme for parents of young offenders under supervision.

Regarding mentor family support orders, Part 9, sections 131 and 132, a pilot mentor project is due to commence shortly in the north Dublin area. The programme will serve as a model for the development of the mentor family support order. Recruitment of staff for this new and innovative project has taken place with the employment of a co-ordinator and administrator. It will recruit volunteers who will act as mentors to young people who have been before the courts and are under the supervision of the probation and welfare service.

Other provisions under the Act require capital investment prior to commencement for buildings, equipment and expanding programmes. Work is already under-way regarding some of these provisions. Under the day centre order, Part 9, sections 118 to 123, inclusive, a new probation office is due to open in Cork shortly. It will have provision for meeting the requirements of the day centre order. The development of a similar provision for the Tallaght area has been incorporated into plans for the new Tallaght probation and welfare service office, expected to be completed in 2006.

In Dublin, a project funded by my Department through the probation and welfare service, is located in Finglas. It will, subject to capital investment, be suitable as a day centre and will provide assessments for courts. Under the probation (training or activities programme) order, Part 9, section 124, the probation and welfare service has identified programmes already being funded through the service that meet its requirements under this sanction. In addition, the service is also working toward the development of additional facilities suitable for use in this community sanction.

Regarding the probation (intensive supervision) order, Part 9, section 125, preliminary meetings have taken place to explore the feasibility of establishing two pilot intensive supervision programmes in Cork and Dublin, utilising existing intensive probation supervision projects. Preparatory work is ongoing in this regard.

It is envisaged that probation (residential supervision) orders under Part 9, sections 126 and 127 will commence later this year. A document has been prepared outlining standards for probation and welfare service funded hostels. In preparation for meeting these standards, staff of hostels will require training and development. Work is under way to identify suitable training which will meet these needs and training will be organised for staff over the coming months. In addition Cork probation hostel is being extended and refurbished to meet the required standards and is expected to re-open shortly.

Suitable person (care and supervision) orders under Part 9, sections 129 and 130 will require the same rigorous recruitment, screening and training elements as outlined in the standards on practices and procedures in foster care. Suitable persons
Asylum Support Services.

310. Mr. Stanton asked the Minister for Justice, Equality and Law Reform if he has examined whether the system of direct provision and the placing of asylum seekers in accommodation centres is in contravention of the Equal Status Act 2000, Article 40.1 of the Constitution or the European Convention on Human Rights; and if he will make a statement on the matter. [16482/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The system of direct provision of accommodation and other services to asylum seekers was introduced with the approval of the Government by my predecessor who had full regard to the provisions of the equality legislation, the Constitution and the European Convention on Human Rights. I see no reason to disagree with the decision of my predecessor on this matter.

311. Mr. Stanton asked the Minister for Justice, Equality and Law Reform when the rate of direct provision allocated to asylum seekers was last increased; his plans to increase the amount of direct provision; if the current amount is sufficient; his plans to allow asylum seekers to engage in paid work to supplement this income; and if he will make a statement on the matter. [16483/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The direct provision system seeks to ensure that the accommodation and ancillary services provided by the State meet the requirements of asylum seekers during the period in which their requests for asylum are being processed. In addition, a direct provision allowance of €19.10 per adult and €9.60 per child was introduced several years ago and is paid by community welfare officers, operating under the aegis of the Department of Social and Family Affairs, who also have the discretion to make one-off exceptional needs payments in special situations. The direct provision allowance seeks to reflect the value of the above-mentioned services to the asylum seeker and I have no plans to alter the amount.

As indicated in replies to Questions Nos. 308 of 9 November 2004, 429 of 30 November 2004 and 779 of 26 January 2005, it is not proposed to allow asylum seekers to take up paid employment pending a final decision being made on their applications.

Proposed Legislation.

312. Mr. Curran asked the Minister for Justice, Equality and Law Reform if he will examine the merits of introducing a gun amnesty accompanied by more severe penalties including possible mandatory sentencing for the possession and discharging of illegally held firearms. [16484/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On Committee Stage of the Criminal Justice Bill 2004, I propose to introduce measures to provide that firearms and other offensive weapons may be surrendered to the Garda. I will also be proposing a range of measures to increase sentences for more serious range of firearms offences, including the introduction of mandatory minimum sentences in some cases. My full range of proposals will be announced to the House in the normal way in due course.

Visa Applications.

313. Mr. Gilmore asked the Minister for Justice, Equality and Law Reform the reason for the delay in regularising the immigration status of a person (details supplied) in County Dublin; when a decision will be made; and if he will make a statement on the matter. [16486/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The non-EEA national in question has been residing in Ireland for the last 25 years but has only recently sought to regularise her immigration status in the State. Certain documentary evidence has been requested from her legal representative in support of her application for residency. On receipt of the required evidence, I expect that the matter will be finalised quickly.

Crime Levels.

314. Mr. Durkan asked the Minister for Justice, Equality and Law Reform if he proposes to take any particular action to address the rapidly escalating problem of gun crime; and if he will make a statement on the matter. [16487/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my replies of today’s date to Parliamentary Questions Nos. 5 and 6.

315. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the number of fatal shootings that have taken place in the past five years; his plans to address the issue; and if he will make a statement on the matter. [16488/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest opportunity.
Proposed Legislation.

316. Mr. Durkan asked the Minister for Justice, Equality and Law Reform his proposals to confront those in the criminal underworld who specialise in the supply of firearms for unlawful purposes; and if he will make a statement on the matter. [16490/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On Committee Stage of the Criminal Justice Bill 2004, I propose to introduce measures to provide that firearms and other offensive weapons may be surrendered to the Garda. I will also be proposing a range of measures to increase sentences for more serious range of firearms offences, including the introduction of mandatory minimum sentences in some cases. My full range of proposals will be announced to the House in the normal way in due course.

I am informed by the Garda authorities that the national bureau of criminal investigation has successfully targeted and prosecuted several of gangs involved in this type of criminality and that a number of firearms have been recovered or seized. I also refer the Deputy to my answer to Question No. 6 today.

317. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the action he proposes to take to deal with the situation of the sale, supply and use of illegal firearms in the State; and if he will make a statement on the matter. [16490/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is a particular overriding necessity to ensure that public safety and security are given priority in any review of policy and legislation for firearms. I have decided to introduce at an early stage, certain proposals for inclusion in the Criminal Justice Bill. The Bill, as published, contains one of those proposals, to provide for the secure custody of firearms. Other provisions will be introduced through amendments on Committee Stage. These will deal with better controls on the type of firearms which may be certified. They will further specify certain additional requirements which will have to be met by applicants for certificates and allow for the imposition of conditions on the granting of a certificate. They will include a provision allowing the deeming by order of firearms which may not be certified.

Sentences for the more serious range of firearms offences will be increased, including the possibility of mandatory minimum sentences in some cases, as well as new offences of illegally modifying a firearm, for example, sawing off a shotgun barrel, and the imposition of severe penalties for this offence. I also refer the Deputy to my reply to today’s Questions Nos. 5 and 6.

Crime Levels.

318. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the number of incidents reported in the past five years which allegedly have been the work of organised criminals; and if he will make a statement on the matter. [16491/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the procedures in place to record criminal incidents are such that the information sought by the Deputy is not readily available. I am further informed that the research and retrieval and verification of data required to furnish the information in question would place an inordinate demand on Garda resources.

Private Security Industry.

319. Mr. Durkan asked the Minister for Justice, Equality and Law Reform if organised criminals have infiltrated the security industry; and if he will make a statement on the matter. [16492/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am concerned that there is some evidence of unacceptable elements entering the private security industry. That is one reason why I have introduced legislation to regulate the industry.

The Private Security Services Act 2004 was signed into law on 4 May 2004. This Act allows, inter alia, the establishment of a private security authority to control and supervise persons providing security services and maintain and improve standards in the provision by them of those services. The functions of the authority include the granting and renewal of licences, the issuing of identity cards to licensees, the suspension or revocation of licences, the specification of standards in the provision of security services, the specification of qualifications and training requirements and monitoring of the services and service providers in the industry. The authority has been established in Tipperary town and it intends to commence licensing the industry later this year. The Garda Síochána continually monitors developments in the security industry to ensure, in so far as is possible, that breaches of the criminal law are detected.

Crime Levels.

320. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the amount of money, excluding the Belfast bank robbery, taken in various robberies in this jurisdiction in the past six months; the amount of such moneys recovered; and if he will make a statement on the matter. [16493/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest opportunity.
321. Mr. Durkan asked the Minister for Justice, Equality and Law Reform his views on the increased incidents of hostage-taking in the course and preparation of robberies; and if he will make a statement on the matter. [16494/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my replies of today’s date to Questions Nos. 5 and 6.

Proceeds of Crime.

322. Mr. Durkan asked the Minister for Justice, Equality and Law Reform if any audit has been done of the total amount of property allegedly in the hands of criminal bosses; the amount of such property confiscated to date; and if he will make a statement on the matter. [16495/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities responsible for the detailed allocation of Garda resources, including personnel, that the total personnel strength of Garda stations in County Kildare as of 13 May 2005 was 240, all ranks. Local Garda management is satisfied that the resources allocated to each Garda station in County Kildare are adequate to meet the present policing needs of the county.

I am pleased the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the key commitment in programme for Government commitment. Its implementation will significantly strengthen the operational capacity of the force. The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources. The needs of County Kildare will be fully considered within the context of the needs of all counties.

The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government which identifies, in particular, areas with significant drugs problems and large numbers of public order offences. It will be possible to address other priorities, such as the need to significantly increase the number of gardaí allocated to traffic duties in the new Garda traffic corps. Additional gardaí will not be put on administrative duties but directly into frontline, operational, high-visibility policing which will have a real impact.

Crime Levels.

323. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the number of robberies in the past six months in which hostages have been taken to assist in a robbery; and if he will make a statement on the matter. [16496/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest opportunity.

324. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the number of armed robberies reported in County Kildare in the past five years; if the perpetrators have been convicted; and if he will make a statement on the matter. [16497/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest opportunity.

Garda Strength.

325. Mr. Durkan asked the Minister for Justice, Equality and Law Reform if he will increase the number of gardaí available for duty at the various Garda stations throughout County Kildare; and if he will make a statement on the matter. [16498/05]

326. Mr. Durkan asked the Minister for Justice, Equality and Law Reform when he will be in a position to increase Garda strength in County Kildare in line with demographic trends; and if he will make a statement on the matter. [16499/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 325 and 326 together.

I am informed by the Garda authorities responsible for the detailed allocation of Garda resources, including personnel, that the total personnel strength of Garda stations in County Kildare as of 13 May 2005 was 240, all ranks. Local Garda management is satisfied that the resources allocated to each Garda station in County Kildare are adequate to meet the present policing needs of the county.

I am pleased the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the key commitment in programme for Government commitment. Its implementation will significantly strengthen the operational capacity of the force. The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources. The needs of County Kildare will be fully considered within the context of the needs of all counties.

The additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government which identifies, in particular, areas with significant drugs problems and large numbers of public order offences. It will be possible to address other priorities, such as the need to significantly increase the number of gardaí allocated to traffic duties in the new Garda traffic corps. Additional gardaí will not be put on administrative duties but directly into frontline, operational, high-visibility policing which will have a real impact.

Deportation Orders.

327. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the number of incidents of anti-social behaviour or street violence, reported through the various Garda stations in County Kildare in each of the past five years; and if he will make a statement on the matter. [16500/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible to compile the information requested in the timeframe allowed. I will arrange for the information to be forwarded directly to the Deputy at the earliest possible opportunity.
this country on return to their homeland by way of deportation; and if he will make a statement on the matter. [16501/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to the reply I gave to Question No. 206 on Thursday, 28 April 2005. I am not aware of any reports of the type mentioned by the Deputy. All cases where a decision to deport is recommended by my officials are considered, *inter alia*, under the provisions of Section 5 of the Refugee Act 1996 (Prohibition of Refoulement) before such a decision is made. I am satisfied that the procedures operated ensure that, as far as possible, persons are not returned in dangerous circumstances.

**Prison Accommodation.**

329. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the number of prison spaces currently available and occupied; and if he will make a statement on the matter. [16502/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The number in custody on 13 May 2005 was 3,226 as against a maximum bed capacity of 3,370. A further 188 prisoners were on temporary release on that date.

On the date in question, 96% of the total bed capacity was in use. It must be noted, however, that accommodating prisoners is not simply a matter of matching the global prisoner population to a global figure for beds or cells. A number of factors have to be taken into account including the prisoner’s age, gender, the nature of the offence, location, security and whether they are on remand or sentenced. Therefore, the fact that there is spare bed capacity does not imply the existence of almost 150 available spaces. Some 40% of the available spaces were in Portlaoise Prison which mainly houses subversive and other high security prisoners and is not suitable for the general prisoner population. Approximately 30% were in Cloverhill Prison, which is a remand prison and 20% in St. Patrick’s Institution which is exclusively for male offenders aged 16 to 21.

The fact is that most institutions are operating at close to or over their operating capacity. In my view, it is clear that there is a need for new prison spaces for a number of reasons including the need to eliminate overcrowding in a number of our committal prisons, in particular, Mountjoy Prison, the Dóchas Centre, Cork Prison and Castlerea Prison. It is also my wish to replace outdated prison accommodation with new facilities which will eliminate the practice of “slopping out” and also reduce the “doubling up” which is prevalent throughout the system. To this end, plans are in train regarding the two major prison developments, one in the greater Dublin area and the other on Spike Island, County Cork. It is intended that these new facilities will offer significant improvements in the areas of work, training, educational and medical services for inmates as well as providing predominantly single cell accommodation with in-cell sanitation facilities.

**Juvenile Offenders.**

330. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the action he proposes to take to combat juvenile crime; if he intends to discuss this issue with the Ministers for Health and Children and for Education and Science; and if he will make a statement on the matter. [16503/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Children Act 2001 is a fundamental revision of the law governing the treatment of children in conflict with the law and non-offending children in need of special care and protection. The principal considerations behind the Act are prevention, through early intervention, is desirable; diversion, where a child has committed an offence, is the preferred option where society would not be adversely affected; community sanctions should be available where it is necessary to bring a child before the courts; and although appropriate in certain cases, detention for children should be a measure of last resort.

The Children Act 2001 is a complex and comprehensive piece of legislation and for those reasons, provisions under the Act are being implemented on a phased basis, as was envisaged at the time of enactment. Responsibility for implementing the Act lies with three Departments: Justice, Equality and Law Reform and Education and Science, mainly in respect of juvenile offending, and Health and Children in respect of children who are non-offending but out of control. The National Children’s Office is coordinating the cross-departmental aspects of implementation of the Act.

As stated, it was envisaged at the time of enactment that the provisions of this Act would be implemented on a phased basis. In line with this, where my Department is concerned, provision is being made by the probation and welfare service to allow for the commencement, on a phased basis, of the remaining sections of the Act relevant to the probation and welfare service. The present position in this regard is as follows. In regard to community sanctions, Part 9, sections 115 to 139, young offenders coming before the courts may be placed under the supervision of the probation and welfare service in accordance with section 2 of the Probation of Offenders Act 1907 (Probation Orders) or section 3 of the Criminal Justice (Community Service) Act 1983 in the case of those aged 16 years or over.

In addition, since July 2004, courts can order that a family conference be arranged by the probation and welfare service with all interested parties in a case so that an action plan can be drawn up in the individual case. The child concerned must have acknowledged his or her culpability and the action plan must come back to court for approval. If the child complies with the elements...
of the action plan, the court may, at the end of the period covered by the plan, dismiss the charge or charges.

In regard to parental supervision orders, Part 9, sections 111 to 112, it is envisaged that parental supervision orders will be commenced on a pilot basis later this year. In addition to sourcing relevant programmes, for example, drug and abuse intervention and budgeting, probation and welfare service staff have attended training which will enable them to deliver a parent training programme for parents of young offenders under supervision.

Regarding the mentor (family support) order, sections 131 to 132, a pilot mentor project is due to commence very shortly in the north Dublin area. The programme will serve as a model for the development of the mentor (family support) order. Recruitment of staff for this new and innovative project has taken place with the employment of a co-ordinator and administrator. The programme will recruit volunteers who will act as mentors to young people who have been before the courts and are under the supervision of the probation and welfare service.

Other provisions under the Act require capital investment prior to commencement for buildings, equipment and expanding programmes. Work is already under way regarding some of these provisions. Under the day centre order, Part 9, sections 118 to 123, a new probation office which is due to open in Cork very shortly will have provision for meeting the requirements of the day centre order. The development of a similar provision for the Tallaght area has been incorporated into plans for the new Tallaght probation and welfare service office which is expected to be completed in 2006. In Dublin, a project funded by my Department through the probation and welfare service, which is located in Finglas, will, subject to capital investment, be suitable as a day centre and will provide assessments for courts.

Regarding the probation (training or activities programme) order, Part 9, section 124, the probation and welfare service has identified programmes already being funded through the service that meet the service requirements under this sanction. In addition, the service is also working toward the development of additional facilities suitable for use in this community sanction.

As regards the probation (intensive supervision) order, Part 9, section 125, preliminary meetings have taken place to explore the feasibility of establishing two pilot intensive supervision programmes in Cork and Dublin, utilising existing intensive probation supervision projects. Preparatory work is ongoing in this regard.

Regarding the probation (residential supervision) order, Part 9, sections 126 to 127, it is envisaged that this section will commence later this year. A document has been prepared outlining standards for probation and welfare service funded hostels. In preparation for meeting these standards, staff of hostels will require training and development. Work is under way to identify suitable training which will meet these needs and training will be organised for staff over the coming months. In addition, Cork probation hostel is being extended and refurbished to meet the required standards and this hostel is expected to reopen very shortly.

A suitable person (care and supervision) order, Part 9, sections 129 to 130, will require the same rigorous recruitment, screening and training elements as outlined in the standards on practices and procedures in foster care. Suitable persons will have to be recruited and trained. Work on implementation of this order is expected to commence early next year. The dual order sanction, sections 137 to 139, will be developed, on a phased basis, as day centres become available.

In the context of the implementation of the Children Act, there is room for some fresh thinking about the institutional framework by which services in the youth justice area are delivered. To this end I have set up a project team in my Department to examine the scope for rationalising and restructuring the delivery of the State's services in accordance with the Act in the area of youth justice, with a focus on the institutional and strategic environment.

The project team has consulted with the statutory bodies with responsibilities for the delivery of services to young people, whether they are offenders or at risk, and continues to engage closely with the Departments of Education and Science and Health and Children, in particular. The team has also met a wide range of non-governmental service providers and other experts in the area. I expect the team to report to me before the summer.

It is important to emphasise that the Government's approach continues to support the philosophy underlying the Children Act 2001, namely, that prevention through early intervention is desirable, that detention should be a last resort and that diversion and community sanctions should be available and used wherever appropriate. As regards the youth justice route, Part 4 of the Children Act providing for a diversion programme to replace the Garda juvenile liaison scheme was brought into operation in May 2002. The objective of the programme, which is administered by the Garda Síochána, is to divert any child who accepts responsibility for his or her criminal behaviour from committing further offences. It is implemented throughout the country by specially trained gardaí working as juvenile liaison officers. The programme introduced the concepts of restorative justice and family conferencing.

Garda youth diversion projects are crime prevention initiatives which adopt a multi-agency partnership approach to tackling crime and antisocial behaviour at community level. The role of the Garda youth diversion projects is to bring
about the conditions whereby the behavioural patterns of young people towards law and order can develop and mature through positive interventions and interaction with the project.

Garda youth diversion projects seek to divert young persons from becoming involved, or further involved, in anti-social and or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations. The number of projects has grown from 12 in 1997 to 64 at present, a process made possible in part by funding under the National Development Plan 2000-2006. The locations of new projects are decided upon by the Garda authorities in conjunction with my Department.

I am committed to the continuing development and, as resources permit, the expansion of Garda youth diversion projects. Proposals made by the Garda Stóichána to my Department on establishing further projects are examined within the context of available resources. All applications relating to the establishment of further projects should follow the establishment process as set out in the Garda youth diversion projects guidelines which I launched in 2003. The 11 establishment guidelines give a clear structure to the application process from the initial expression of interest to the final submission of the proposal and cover issues such as the pre-establishment phase, consultation, memorandum of understanding, legal structure, co-ordinator’s job description and catchment area.

A budget of €5.471 million has been provided for the Garda youth diversion projects and local drugs task force projects in 2005. It is expected that this amount will be required to meet the funding needs of the projects in operation. It is not envisaged that additional youth diversion projects will be established in the short term.

### Liquor Licensing Laws.

331. Mr. Durkan asked the Minister for Justice, Equality and Law Reform his proposals for the operation and licensing of café bars; and if he will make a statement on the matter. [16504/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have recently published proposals for an intoxicating liquor Bill which will streamline and modernise our liquor licensing laws. This will involve repealing the Licensing Acts 1833 to 2004 and replacing them with updated provisions more suited to modern conditions.

The proposed Bill provides for the creation of a café bar licence which was a key recommendation in the final report of the commission on liquor licensing. In this report, the commission came to the conclusion that the historically restrictive nature of the licensing laws had resulted in the development of “super-pubs” which, while generally well managed and catering for an important segment of the market, tended to create noise and nuisance for local residents and made compliance with, and enforcement of the licensing laws more difficult for licensees and gardaí alike. It also considered that large numbers of people emerging from such premises at closing time increased the risk of public disorder.

The commission considered that café bars “which would be required as a condition of the licence to provide food as well as alcoholic and non-alcoholic beverages” could provide an atmosphere and ambience that encouraged moderate social consumption of alcohol rather than the excessive consumption and binge drinking that had become more common in recent years. The proposals for the café bar licence provide that it would be subject to the following conditions: it would apply to premises of less than 130 sq.m.; it would not be available to premises engaged in take-away sales of food; hot meals and non-alcoholic beverages must be provided for consumption on the premises during opening hours; sale of intoxicating liquor for consumption off the premises would not be permitted; and exemption orders for extended opening hours would not be permitted.

To ensure responsiveness to local circumstances and enhance local government, it is envisaged that any local authority could, by adopting a resolution, determine that café bar licences would not be granted in the whole or a specified part of its administrative area. As part of a consultative process, I have invited organisations with an interest in this area and private individuals to submit their views or suggestions on all, or specific parts, of the proposed Bill by 31 May 2005.

### Residency Permits.

332. Mr. Gogarty asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in Dublin 22. [16529/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in April 2005. Applications of this type, in fairness to all other such applicants, are dealt with in chronological order and take approximately 16 months to process. The application in question was acknowledged on 3 May 2005. Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. The person in question does not therefore have permission to remain in the State at present.

### School Staffing.

333. Mr. McGuinness asked the Minister for Education and Science if the number of teachers at a school (details supplied) in County Kilkenny...
will be retained at current levels; and if she will make a statement on the matter. [15915/05]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year and by reference to a staffing schedule. This schedule is outlined in primary circular 15/05 which issued to all primary schools recently. This is in line with guidelines agreed between my Department and the education partners.

In the current school year the staffing of the school referred to by the Deputy comprises of a principal and seven mainstream class teaching posts. This is based on an enrolment of 187 pupils at 30 September 2003. The school also has a resource post and the services of a learning teaching post. The mainstream staffing of the school for the 2005-06 school year will consist of a principal and six mainstream class teaching posts. This is based on an enrolment of 175 pupils at 30 September 2004.

My Department has now completed its review of the general allocation system of resource teaching support. I can confirm that 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new general allocation system. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system. My Department is now devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly along with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to each school. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year.

To ensure openness and transparency in the system an independent appeals board is now in place to decide on mainstream staffing appeals. The criteria under which an appeal can be made are set out in Department primary circular 19/02 which is also available on my Department’s website. The appeals board will meet in June to consider appeals on the mainstream teaching allocation to schools for the 2005-06 school year. The closing date for appeals is 3 June. Appeals must be submitted to primary payments section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeals board.

School Transport.

334. Mr. McGuinness asked the Minister for Education and Science if she will arrange for free bus travel to school for persons (details supplied) in County Kilkenny; and if a decision will be expedited. [15916/05]

Minister for Education and Science (Ms Hanafin): A report on this case has been requested from the relevant transport liaison officer. The Deputy will be advised of the position when the report has been received and assessed.

Psychological Service.

335. Mr. F. McGrath asked the Minister for Education and Science if she will report on the way in which psychologists are now working in the education sector; and when the target of 200 will be met. [15939/05]

Minister for Education and Science (Ms Hanafin): The NEPS service involves consultation with teachers and parents about the needs of individual children, direct contact with individual children, support and development work according to the needs of each school and support for relevant specialist teachers such as guidance counsellors and learning support teachers.

In those schools that do not yet have access to the full NEPS service, my Department also funds NEPS to operate the scheme for commissioning psychological assessments, SCPA. This is an interim measure, designed to ensure that urgent assessment needs are met. All schools, regardless of whether they have access to the full NEPS service, may expect to receive help from NEPS in the event of critical incidents. Also with regard to all schools, NEPS processes applications for reasonable accommodations in certificate examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

The complement of psychologists in NEPS has increased from 43 psychologists on the date of establishment to 128 in May 2005, plus two psychologists on career break and one on assignment to another section of the Department. On behalf of my Department, the Public Appointments Service has recently initiated a new recruitment competition for NEPS. Any increase in the overall numbers of psychologists in NEPS will depend on the availability of resources and must also take account of Government policy on public sector numbers.

336. Mr. F. McGrath asked the Minister for Education and Science the reason the NEPS is still not a statutory agency; and if she will make a statement on the matter. [15940/05]

Minister for Education and Science (Ms Hanafin): The establishment of the National Educational Psychological Service, NEPS, on an administrative basis preceded the enactment of
the Education for Persons with Special Educational Needs Act 2004 and the putting in place of the new National Council for Special Education. I consider that it is prudent to allow these developments to settle before making any final decisions on the long term structure of NEPS.

School Staffing.

337. Mr. F. McGrath asked the Minister for Education and Science the way in which she proposes to find the 660 new teachers to address the special needs crisis in primary schools; and the way in which this plan will be delivered in September 2005. [15941/05]

Minister for Education and Science (Ms Hanafin): The recruitment and appointment of teachers to fill vacancies in an individual school is a matter for the board of management of the school concerned. The mainstream staffing schedule for 2005-06 has now issued to all primary schools and redeployment panels will be available with effect from 27 May 2005. Boards of management with a permanent vacancy for the 2005-06 school year are obliged to offer the post in the first instance to teachers on the panel. When the panel is clear, a permanent vacancy may be advertised in the normal way. Details regarding the appointment of teachers are contained in the booklet, Appointment of Principals, Permanent and Temporary Teachers, published in April 2002, which is available on my Department’s website, www.education.ie.

Boards of management must make every effort, including advertising in a national newspaper, to obtain the services of a qualified teacher for appointment to a temporary or permanent post.

The introduction of the new general allocation system of resource teaching support will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system. My Department is now devising school clusters in respect of allocations to be made under the GA system. These will be notified to schools shortly along with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to all primary schools. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year.

Schools Building Projects.

338. Ms McManus asked the Minister for Education and Science when a school (details supplied) in County Wicklow will be provided with an extension to include a physical education hall; the reason this school is being phased out of the SSRI strand and is not included in the school

completion programme; and if she will make a statement on the matter. [15942/05]

Minister for Education and Science (Ms Hanafin): As part of a review of all projects for the 2005 capital programme, the application for capital funding from the school referred to by the Deputy was assessed against the published prioritisation criteria for large-scale building projects which were revised last year following consultation with the education partners. Under this review, all projects were assigned a band rating and the progress of individual projects is being considered in the context of the school building programme from 2005 onwards.

The new policy framework that I will publish shortly will put in place a new integrated programme of supports that will bring together and build upon existing policy interventions and initiatives for schools and school communities with concentrated levels of disadvantage. It will be introduced on a phased basis, starting in the next school year.

Apart from the additional investment under the new policy framework, resources and supports will continue on the existing basis for the next school year for schools involved in current schemes and programmes for addressing educational disadvantage, including the 53 schools involved in the stay in school retention strand of the school completion programme.

Departmental Charges.

339. Ms Enright asked the Minister for Education and Science further to the publication of the Travers report, if she has carried out a review of the legal basis for all charges and fees levied by her Department and agencies under the aegis of her Department; the outcome of such review; if any charges have been identified which do not have an adequate legal basis; and if she will make a statement on the matter. [15959/05]

Minister for Education and Science (Ms Hanafin): A review of the legal basis for all charges and fees levied by my Department is being carried out within my Department.

Special Educational Needs.

340. Mr. Haughey asked the Minister for Education and Science if she has received an application from a school (details supplied) in Dublin 9 for sanction for remedial help for a person who has a specific learning difficulty; when this service will be provided; and if she will make a statement on the matter. [16012/05]

Minister for Education and Science (Ms Hanafin): The Deputy has indicated that the pupil in question has a specific learning disability. This disability falls into the high incidence disability category. With regard to teaching supports for pupils within the high incidence categories, my Department has now completed its review of the general allocation, GA, system of resource
teaching support. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools.

I can confirm that 660 additional special needs teachers posts will be put in place in primary schools from next September to facilitate the implementation of the new GA system. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system. It is a matter for schools to make arrangements to provide teaching support to those pupils who qualify for such support from its GA allocation.

My Department is now devising school clusters in respect of allocations to be made under the GA system. These will be notified to schools shortly along with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to the school referred to by the Deputy. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year.

341. Mr. Costello asked the Minister for Education and Science her views on the contents of correspondence (details supplied); and if she will make a statement on the matter. [16013/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, my Department has now completed its review of the general allocation system of resource teaching support. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools.

I can confirm that 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new general allocation system. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system.

With regard to the correspondence referred to by the Deputy, my Department is now devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly along with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to each school. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year.

342. Mr. J. Breen asked the Minister for Education and Science the reason a person (details supplied) in County Clare has been informed that there is no course or facility available to help them; and if she will make a statement on the matter. [16039/05]

Minister for Education and Science (Ms Hanafin): I can confirm that an application for four hours’ resource teaching support for the pupil in question was considered by my Department. Resource teaching support was not granted as the pupil did not meet the criteria for such support. This decision was conveyed to the school on 4 February 2005.

The Deputy may be aware that the National Council for Special Education, NCSE, which became operational on 1 January 2005, now processes applications for special educational needs, SEN, supports. The NCSE will review decisions previously taken in relation to such cases on foot of a request from the school or parents-guardians when accompanied by relevant additional information which may not have been to hand at the time of the decision. The NCSE has outlined this process in its circular 01/05 which issued to all primary schools.

My officials have been in contact with the local special educational needs organiser, SENO, who has confirmed that additional information in support of the application has been received. The SENO is examining the matter and will be in direct contact with the school authorities shortly.

Third Level Colleges.

343. Mr. Crawford asked the Minister for Education and Science the number of students from each of the six Border counties who have attended third level colleges in Northern Ireland in each of the past ten years; and if she will make a statement on the matter. [16040/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not available in my Department.

Special Educational Needs.

344. Mr. F. McGrath asked the Minister for Education and Science if a school (details supplied) in Dublin 9 will be given the maximum support and financial assistance in 2005; and if she will make a statement on the matter. [16041/05]

Minister for Education and Science (Ms Hanafin): The school in question is a special school for the visually impaired. The school has an enrolment of 26 and has the services of seven teachers, including the principal. The pupil teacher ratio for pupils with visual impairment is 8:1. In addition, the school has the support of five special needs assistants. Other resources include
enhanced capitation grants and as with all other schools it is open to the school to apply for grants towards any assistive technology needs that the pupils may have. My Department is liaising with the school management in the context of the need for development works on the school site.

The Deputy will be aware that with effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over responsibility for processing resource applications for children with disabilities who have special educational needs. Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources at primary and post-primary level and inform the school of the outcome. My officials have been in contact with the NCSE and have been advised that there are no outstanding applications on hand from the school. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require when and where they require it.

345. Mr. McGuinness asked the Minister for Education and Science the outcome of a meeting between her officials and the SENO relative to the case of a person (details supplied) in County Kilkenny; if the supports outlined in the person’s assessment report will now be granted; and if she will make a statement on the matter. [16054/05]

Minister for Education and Science (Ms Hanafin): I can confirm that my officials made contact with the National Council for Special Education who advised that no application for special education needs supports had been received by the local special education needs organiser, SENO, in respect of the pupil in question.

The Deputy indicated in previous correspondence that the pupil has a specific learning disability. This disability falls into the high incidence disability category. My Department’s officials have since confirmed with the school authorities that the pupil’s needs are being catered for from within the school’s current special education needs provision.

With regard to teaching supports for pupils within the high incidence categories, my Department has now completed its review of the general allocation system of resource teaching support. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools.

I can confirm that 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new general allocation system. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system. It is a matter for schools to make arrangements to provide teaching support to those pupils who qualify for such support from its general allocation.

My Department is now devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly along with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to the school in which the pupil in question is enrolled. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year.

Schools Refurbishment.

346. Ms Burton asked the Minister for Education and Science the progress which has been made in setting a date for the commencement of actual refurbishment work to a school (details supplied) in Dublin 20. [16055/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. My Department have been in contact with the school recently to progress the design process and is now awaiting a revised stage 1/2/3 submission — detailed plans — from the school authorities. A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

Departmental Expenditure.

347. Mr. Ring asked the Minister for Education and Science the number of overpayments her Department has had in the past five years; the number which have been recovered; if in any case there has been an overpayment that could not be collected; and if so, the reason therefor. [16087/05]

Minister for Education and Science (Ms Hanafin): The level of resources that would need to be diverted to compile the information sought by the Deputy for the period in question would not be justified having regard to the number of financial transactions executed by my Department across payroll and other areas. It is a matter of firm policy in my Department to seek recovery in all cases of overpayment and, while mindful of the right of privacy of an individual, I would be prepared to have my officials furnish the details of any case that the Deputy might have in mind.

Schools Building Projects.

348. Mr. Lowry asked the Minister for Education and Science if her attention has been
[Mr. Lowry.]
drawn to the situation at a school (details attached) in County Tipperary; the steps she intends to take in order that no further financial resources are wasted on this matter; if the necessary and value for money resources will be allocated to rectify the situation; and if she will make a statement on the matter. [16108/05]

Minister for Education and Science (Ms Hanafin): Correspondence has been received from the school authority referred to by the Deputy. The matter is being considered in the school planning section of my Department and a response will issue to the school authority shortly.

Post-Leaving Certificate Courses.

349. Mr. Morgan asked the Minister for Education and Science if she will implement the findings of the McIver report which her Department commissioned on the PLC sector. [16155/05]

Minister for Education and Science (Ms Hanafin): The recommendations of the McIver report on the PLC sector are wide ranging and encompass proposals that have implications for the shaping of structures for the delivery of further and adult education into the future. Having regard to the number and scope of the recommendations in the report, consultations have been held with management and staff interests with regard to issues such as the prioritisation of recommendations and associated costs. Further discussions between officials in my Department and the relevant stakeholders will be necessary.

350. Mr. Morgan asked the Minister for Education and Science if she will consider increasing significantly the number of teaching staff for Drogheda Institute of Further Education (details supplied). [16156/05]

Minister for Education and Science (Ms Hanafin): Teacher allocations and capitation grants are allocated on the basis of the approved number of places. However, enrolments on PLC courses in certain schools and colleges have exceeded the number of places approved by my Department.

A total of 676 post-leaving certificate places were approved in County Louth VEC for the 2004-05 academic year. My Department is currently considering applications from VECs, schools and colleges for approval of PLC places for the 2005-06 academic year. A decision in the matter, taken in light of the totality of demands for PLC places and teaching resources across the sector, will be notified to VECs and schools shortly.

Schools Building Projects.

351. Mr. Deenihan asked the Minister for Education and Science if she will report on correspondence from persons (details supplied); the steps she intends to take in order that no further financial resources are wasted on this matter; if the necessary and value for money resources will be allocated to rectify the situation; and if she will make a statement on the matter. [16159/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf of my Department in site acquisitions generally, has identified a suitable site for Blennerville national school. The OPW is now progressing the acquisition of the site in question. The question of the provision of the new school building will be considered further in the context of the multi-annual school building programme when the site has been acquired.

Special Educational Needs.

352. Mr. Kehoe asked the Minister for Education and Science if assistance is available to children diagnosed with dyspraxia for funding for a computer that would assist them with development; and if she will make a statement on the matter. [16214/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports, including applications for computer equipment. Indeed, specific funding is available from my Department for equipment for children with special needs. A total of 71 special educational needs organisers, SENO, have been recruited throughout the country and will be a focal point of contact for schools and parents.

Schools can apply through the local SENO for this support. Supporting relevant documentation to be submitted with the application includes psychological assessment, occupational therapy or physiotherapy reports, as necessary. These reports should be made available to the SENO when considering the application.

353. Mr. Bruton asked the Minister for Education and Science if she will report on correspondence from persons (details supplied); the action she intends to take in respect of this matter to ensure the continuation of this educational facility for children with learning difficulties; and if she will make a statement on the matter. [16234/05]

Minister for Education and Science (Ms Hanafin): My officials recently met the management authorities of the school in question. My Department has since written to the board of management outlining proposals to support the school in continuing with the pre-school facility. I understand that these proposals are currently being considered by the board and a response is awaited.

354. Mr. Morgan asked the Minister for Education and Science if an additional teacher will be
allocated to a school (details supplied) in County Louth; if her attention has been drawn to the fact that there are now 16 children awaiting places at this school; and if she will take measures to alleviate the chronic suffering of these children and their parents. [16235/05]

Minister for Education and Science (Ms Hanafin): My Department has received correspondence from the school relating to the matters referred to by Deputy. The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports. My Department has furnished a copy of the school’s correspondence to the special education needs organiser, SENO, assigned to the school. The SENO will make direct contact with the school authorities regarding the matter shortly.

Disadvantaged Status.

355. Ms Lynch asked the Minister for Education and Science if she will consider designating full disadvantage classification to schools (details supplied); if her attention has been drawn to the fact that all other schools in the immediate catchment area have this classification; that all cater for an identical population with similar needs; and that the social conditions prevailing in the catchment area require a range of additional supports for children and families; and if she will make a statement on the matter. [16239/05]

Minister for Education and Science (Ms Hanafin): All the schools referred to by the Deputy are included in the disadvantaged areas scheme, DAS, and the Giving Children an Even Break, GCEB, programme. Under the disadvantaged areas scheme all the schools benefit from additional capitation grants of €38.09 per capita, a refund of the television licence fee and eligibility for 95% building grants for building projects. Designated disadvantaged schools are included in the home school community liaison scheme and each school has access to the services of a home school community liaison co-ordinator.

The Giving Children an Even Break programme subsumes the previous process of designation of schools that serve areas of educational disadvantage and my Department’s approach is now refined to ensure that individual “at risk” pupils are targeted. Instead of the old method of designating additional schools, under this scheme my Department provides support that is commensurate with the levels of concentration in schools of pupils with characteristics that are associated with educational disadvantage and early school leaving.

All of the schools referred to by the Deputy are included in the urban dimension of Giving Children an Even Break. The schools are benefiting from supplementary funding to provide additional educational supports for the children concerned. Four of the seven schools are considered eligible for additional teaching staff, based on the level of concentration of “at risk” pupils within the schools. All schools retained their entitlements under the disadvantaged areas scheme in addition to resources allocated under Giving Children an Even Break.

Residential Institutions Redress Scheme.

356. Mr. Kenny asked the Minister for Education and Science if a residential institution (details supplied) will be brought under the remit of the Residential Institutions Redress Board; and if she will make a statement on the matter. [16250/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that in order for an institution to be placed on the Schedule of the Residential Institutions Redress Act 2002, the facility must have been subject to inspection or regulation by a public body. A total of 128 institutions are listed on the original Schedule to the Act and, in November 2004, I signed an order for a further 13 institutions to be added to the Schedule.

Officials of my Department sought the advice of the Department of Health and Children about the institution referred to by the Deputy in order that records held at that Department and its agencies could be examined. My Department has received a response from the Department of Health and Children stating that no files have been located that indicate that a public body had any regulatory or inspection function in the case of that institution. As a consequence, it is not possible to place this facility on the Schedule. Should further information be located that establishes that this institution is eligible for consideration, my Department will revisit the matter.

357. Mr. Kenny asked the Minister for Education and Science if the list of institutions currently covered by the Residential Institutions Redress Board; the institutions which were formally operated by the Church of Ireland authorities; and if she will make a statement on the matter. [16251/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that in order for an institution to be placed on the Schedule of the Residential Institutions Redress Act 2002, the facility must have been subject to inspection or regulation by a public body. A total of 128 institutions are listed on the original Schedule to the Act and, in November 2004, I signed an order for a further 13 institutions to be added to the Schedule. I have made arrangements for a list of the institutions concerned to be forwarded directly to the Deputy.
As the religious ethos of an institution was not part of the criteria prescribed under section 4 of the Act, my Department did not require full details of the religious ethos of all the institutions listed. However, from records held in my Department, there are five institutions listed as having had a Protestant ethos and I am arranging for relevant details to be also forwarded to the Deputy.

**School Transport.**

358. **Ms O’Sullivan** asked the Minister for Education and Science if she has made a decision with regard to access to school transport to a college (details supplied) in County Limerick for persons who live in the Raheen and Mungret areas of Limerick; and if she will make a statement on the matter.  [16271/05]

**Minister for Education and Science (Ms Hanafin):** The provision of school transport for pupils residing in the Raheen and Mungret areas of Limerick to the school referred to in the details supplied is being considered under the terms of the post-primary school transport scheme and in the context of the outcome of the centralised application system for enrolments for pupils in Limerick city.

**School Building Projects.**

359. **Mr. Gilmore** asked the Minister for Education and Science her plans to provide a second level school in Shankhill, County Dublin; and if she will make a statement on the matter.  [16272/05]

**Minister for Education and Science (Ms Hanafin):** I have no plans at present to develop a new post-primary school in the Shankill area. The school planning section of my Department is satisfied that there is sufficient capacity in the second level schools within a reasonable distance of Shankill to cater for current and future demand in the area.

On a general note, my Department is included among the prescribed authorities to whom local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. As a matter of course, meetings are arranged with local authorities to establish the location, scale and pace of any major proposed developments and their possible implications for school provision. Any future school developments in Shankill or the Cherrywood area will be the subject of discussions with Dún Laoghaire-Rathdown County Council.

**Consultancy Contracts.**

360. **Ms O’Sullivan** asked the Minister for Education and Science the number of expert and consultant reports her Department commissioned during the years 2003 and 2004; the cost of each report commissioned; and if she will make a statement on the matter.  [16273/05]

362. **Ms O’Sullivan** asked the Minister for Education and Science the number of advisory, consultative, delegated and other such bodies which have been established by her Department since 1998; the names of these bodies; the mechanisms that have been established to ensure democratic accountability in same; and if she will make a statement on the matter.  [16275/05]

363. **Ms O’Sullivan** asked the Minister for Education and Science the number of working groups which have been set up by her Department since 2000; the name and total expenditure of each working group; and if she will make a statement on the matter.  [16276/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 360, 362 and 363 together.

The information the Deputy has sought in these questions is being compiled at present and will shortly be forwarded directly to her.

**Departmental Staff.**

361. **Ms O’Sullivan** asked the Minister for Education and Science the number of public relations and media experts currently employed by her Department; the cost to the Exchequer; and if she will make a statement on the matter.  [16274/05]

**Minister for Education and Science (Ms Hanafin):** There are no external public relations or media experts employed by the Department. The press office in my Department is staffed by civil servants.

Questions Nos. 362 and 363 answered with Question No. 360.

**Public Consultations.**

364. **Ms O’Sullivan** asked the Minister for Education and Science the number of public consultations undertaken by her Department on matters of public policy during 2004; the names of the groups consulted; and the outcome of the consultation process.  [16277/05]

**Minister for Education and Science (Ms Hanafin):** Details of public consultations undertaken by my Department in 2004 are as follows.

An OECD team of expert examiners visited Ireland in 2004. During 2003, in advance of this visit, submissions were requested from the public. A total of 88 submissions were received. The examiners took these submissions into account and the stakeholders they met during their visit included many of those who had made submissions. The outcome was the OECD Review of Irish Higher Education, published in September 2004. A list of all of those who made submissions is available if required.

The Your Education System, YES, process of open, public consultation on the future development of education in Ireland commenced in
January 2004. The Educational Research Centre, ERC, will report on the process. Public participation in the process was through public meetings, the website for the process — www.youreducation.ie — or in writing directly to the secretariat in the ERC. Reports on all the meetings held as part of the process, a large number of comments e-mailed during the process and a number of longer submissions can be accessed on www.youreducation.ie.

As part of the development of the Traveller education strategy, the joint working group established for this purpose invited public submissions from interested groups or individuals in 2004. A total of 40 public submissions were received from a wide range of interests, including teacher representatives, Traveller organisations, trade unions, human rights organisations, service providers and individual members of the public. The three Traveller organisations, Pavee Point, Irish Travellers Movement and National Traveller Women’s Forum, involved in the joint working group were funded to conduct six consultation seminars with Traveller parents and learners. These consultations took place in May and June 2004. The outcome of the public submissions process and the Traveller parents and learners consultation will contribute to the development of the Traveller education strategy.

In connection with section 11 of the Official Languages Act and the obligation to consult with the public in preparation for my Department’s scheme of initiatives for improving the level of service to the public through Irish and/or bilingually, my Department invited submissions from the public. A total of 25 submissions were received. These submissions have informed my Department’s scheme and may be accessed on my Department’s website.

Departmental Properties.

365. Mr. Timmins asked the Minister for Education and Science if she will provide a list of all the assets worth more than €100,000 that her Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if she will make a statement on the matter. [16309/05]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is not readily available and the level of resources required to compile it for the period in question would not be justified. If the Deputy has a particular case in mind, I would be happy to have my officials obtain the relevant details and communicate them to him.

School Staffing.

366. Mr. O’Keeffe asked the Minister for Education and Science when primary schools will receive notification of their entitlements to resource and learning support teachers under the weighted system in order that they can advertise positions and ensure they obtain qualified teaching staff for the beginning of the next academic year in September 2005. [16312/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that my Department has completed its review of the general allocation system of resource teaching support for pupils within the high incidence disability category. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools. A total of 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new general allocation system. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system.

My Department is devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to all primary schools. My Department is also finalising a circular for schools, which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the school year.

Juvenile Offenders.

367. Mr. Grealish asked the Minister for Education and Science the amounts spent by her Department in 2003 and 2004 and the amount projected to be spent in 2005 on the five special schools for young offenders; the amount spent on operations, on capital works and on teaching staff; if she has satisfied herself that the budget allocations to the schools are sufficient, particularly having regard to capital development; and if she will make a statement on the matter. [16313/05]

368. Mr. Grealish asked the Minister for Education and Science the state of progress of the capital redevelopment programme planned for the residential schools for young offenders at Lusk, County Dublin; the timeframe envisaged for the implementation of this programme; and if she will make a statement on the matter. [16314/05]

369. Mr. Grealish asked the Minister for Education and Science the number of admissions of children to the special schools for young offenders and the number of personnel employed in same for the years 2003, 2004 and to date; her views on whether the staffing rate is sufficient; and if she will make a statement on the matter. [16315/05]
Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 367 to 369, inclusive, together.

The position is that €31.5 million was spent on the five special schools for young offenders in 2003 and €30.2 million was spent in 2004. Of the €31.5 million spent in 2003, €25 million was spent on operations, €4.7 million was spent on capital and €1.8 million on teaching staff. Of the €30.2 million spent in 2004, €26.2 million was spent on operations, while €2 million each was spent on capital and teaching staff. The combined projected expenditure for 2005 is expected to be in the region of €33.4 million. A considerable amount of capital investment has been undertaken by my Department and further investment is required in the schools for young offenders to ensure that they meet obligations under the Children Act 2001 in addition to ensuring they meet modern child care standards in accordance with best practice internationally.

In consultation with the joint board of management of the schools, my Department is considering the overall development needs of the campus and a firm of consultant architects has been appointed to draw up proposals. The resulting campus masterplan will take account of the anticipated number of remand and committal places required, the provision for boys and girls, their educational and recreational needs, as well as the implications of shorter periods of detention envisaged under the Children Act 2001. The intention is that the masterplan will provide the basis for the phased development of the campus on a priority basis as resources permit. In addition, there is ongoing capital expenditure on urgent interim building works.

At end of December 2003, there were 86 children in the five special schools and a total of 546 staff employed. At the end of March 2004, there were 90 children in the schools and 535 staff employed. At the end of March 2005, there were 90 children in the special schools and a total of 546 staff employed. At the end of March 2004, there were 86 children in the schools and 535 staff employed. At the end of March 2005, there were 86 children in the schools and 546 staff employed. My Department proposes to keep the level of staffing in the schools under regular review.

Special Educational Needs.

370. Mr. Healy asked the Minister for Education and Science when she intends to approve resources, including a teacher and two special needs assistants, for a school (details supplied) in County Tipperary to enable the school to provide educational service for one of its special needs organisers, SENOs, have been recruited and they will be a focal point of contact for schools and parents. My officials have been informed by the NCSE that the matter has been referred to the local SENO. The SENO will be in direct contact with the school shortly regarding the matter.

School Staffing.

371. Mr. Lowry asked the Minister for Education and Science, further to Parliamentary Question No. 440 of 10 May 2005, the staff adjustment at each primary school in County Tipperary as a result of the recently issued staffing schedule. [16377/05]

Minister for Education and Science (Ms Hanafin): The application of the mainstream staffing schedule, which is based on enrolments, will result in a net loss of two mainstream teaching posts to schools in County Tipperary. The schools which are due to lose the teaching post have been contacted by my Department. However, the introduction of the general allocation system of teaching support for pupils with special education needs may also impact on the staffing of schools in the Tipperary area. My Department has completed its review of the general allocation system of resource teaching support. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools.

A total of 660 additional special needs teaching posts will be put in place in primary schools from next September to facilitate the implementation of the new general allocation system. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

My Department is devising school clusters in respect of allocations to be made under the general allocation system. These will be notified to schools shortly along with the details of each school’s individual allocation. This communication will clarify the position regarding the resource and learning support allocation available to each school. My Department is also finalising a circular for schools, which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the school year.

School Accommodation.

372. Mr. Timmins asked the Minister for Education and Science if she has received an application from a college (details supplied) in County Wicklow for funding for accommodation
improvements; and if she will make a statement on the matter. [16397/05]

Minister for Education and Science (Ms Hanafin): An application for additional permanent accommodation has been received from the school to which the Deputy refers and is being examined by the school planning section of my Department. Officials of this section will be in contact with the school authorities in due course. I am pleased that the school in question has accepted a grant for the provision of an extension to their woodwork room under the 2005 permanent initiative scheme.

Departmental Properties.

373. Mr. Kenny asked the Minister for Education and Science if she will supply an inventory of all assets, specifically land and buildings, disposed of by her Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16412/05]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is not readily available in my Department and the level of resources required to compile it for the period in question would not be justified. However, if the Deputy requires details on a particular case, I would be happy to have my officials provide the information concerned.

374. Aengus Ó Snodaigh asked the Minister for Education and Science the contacts her Department has had with the OPW regarding the legal status of the lands occupied by a school (details supplied) in Dublin 8; the outcome of those contacts; and if she will make a statement on the matter. [16526/05]

Minister for Education and Science (Ms Hanafin): The school in question is located in temporary accommodation on a site owned by the Office of Public Works. My Department has requested that the school’s position be regularised and this process is under way. When this is completed, the site will be transferred to my Department.

Schools Building Projects.

375. Aengus Ó Snodaigh asked the Minister for Education and Science the status of the application by a school (details supplied) in Dublin 8 for major capital funding for the building of a new school; and the reason it has not progressed to band 1. [16527/05]

Minister for Education and Science (Ms Hanafin): The proposed building project at the school referred to by the Deputy has been assessed in accordance with the published prioritisation criteria and the project is being considered in the context of the school buildings and modernisation programme. The project has been assigned a band 2 priority rating, as it does not meet the criteria to qualify for a band 1 rating. To merit a band 1 rating, a project must meet one of the following criteria: serving a rapidly developing area where either there is no existing school or where existing provision is unable to meet the demand for places; the provision of specialist accommodation urgently required for children with special needs such as autism, speech and language impairment, severe and profound intellectual impairment etc.; addressing the needs of schools with serious structural issues; and providing accommodation post-rationalisation.

Pension Provisions.

376. Mr. Kenny asked the Minister for Defence the reason a person in receipt of a Defence Forces pension loses the additional increment authorised under paragraph 9 of the Defence Forces (Pensions) (Amendment) (No. 3) Scheme 1978 when they reach the qualifying age for an old age pension; and if he will make a statement on the matter. [16016/05]

377. Mr. Kenny asked the Minister for Defence the reason a person (details supplied) will lose the additional increment authorised under paragraph 9 of the Defence Forces (Pensions) (Amendment) (No. 3) Scheme 1978 due to the fact that he has reached the qualifying age for an old age pension; and if he will make a statement on the matter. [16017/05]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 376 and 377 together.

Under the Defence Forces pension schemes, the minimum service required for an immediate pension in the case of NCOs and privates is 21 years. The pension for 21 years service consists of the following elements: (a) a basic flat rate pension which varies according to rank; (b) an addition in respect of military service allowance, MSA, in the case of qualified personnel discharged since August 1990; and (c) an addition in respect of technician pay and certain other additional payments that were held during service. All these elements of pension are payable for the lifetime of the pensioner.

Where service exceeds 21 years, the Defence Forces pension is increased by an additional increment for each such year of service up to a maximum of 31 years. This additional increment is payable at a flat rate for each year of service with a small increase if the individual qualifies for the addition at (c) above. A top-up of the MSA addition is also payable in the case of personnel with 31 or more years service. These extra payments cease to be payable when the pensioner reaches the qualifying age of 66 for an old age contributory pension or becomes entitled at an earlier age to a social welfare retirement pension.

These arrangements are in accordance with the principle of integration of occupational pensions with social insurance benefits in the case of
employees such as NCOs and privates, who are fully insured under the Social Welfare Acts. This principle applies across the public service and, indeed, in many areas of the private sector. However, the method of applying the integration principle in the case of retired NCOs and privates is less severe than that applying in other areas of the public service.

The person referred to will reach 66 years of age on 17 November 2005 and the arrangements mentioned will apply to his Defence Forces pension from that date. The general issue of integration of occupational pensions in the public service was examined by the Commission on Public Service Pensions in its final report, published in January 2001. The commission accepted that integration is a fundamental component in the public service pensions framework and was strongly of the view that it should be continued. It did not make recommendations that would affect the current integration arrangements applicable to retired NCOs and privates.

**Overseas Missions.**

378. Mr. Timmins asked the Minister for Defence when the Irish involvement in the UNFICYP Cyprus mission commenced and when it will cease; the number of Irish personnel who served in same; his plans to mark the end of Irish military involvement; the reason he has decided that Irish personnel will no longer contribute to this mission; and if he will make a statement on the matter. [16092/05]

**Minister for Defence (Mr. O’Dea):** Defence Forces personnel have been serving with the United Nations peacekeeping force in Cyprus, UNFICYP, since 1964. To date, military personnel have completed a total of 9,656 individual tours of duty with the mission. One officer of the Permanent Defence Force, is serving with UNFICYP. He is due to complete his tour of duty with the mission on 31 May 2005. I am advised by the military authorities that there are no plans to mark the end of the Defence Forces involvement with this mission. The decision to withdraw Defence Forces personnel from UNFICYP was taken in July 2003 following a review of all Defence Forces commitments to overseas tasks, as provided for in the White Paper on Defence published in February 2000.

**Departmental Charges.**

379. Mr. Timmins asked the Minister for Defence, further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16097/05]

**Minister for Defence (Mr. O’Dea):** A review of all charges and fees levied by my Department has been carried out and I am satisfied that there is an adequate legal basis for all such charges and fees.

**Departmental Properties.**

380. Mr. Timmins asked the Minister for Defence if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16310/05]

**Minister for Defence (Mr. O’Dea):** The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare and Clancy Barracks, Dublin.

The sale of 97 acres approximately at Murphy Barracks, Ballincollig, was completed in 2003 for a total of €42 million. The bulk of the lands were purchased by O’Flynn Construction. The sale of a site comprising circa 2.7 acres to the then Southern Heath Board for €1.73 million was completed in December last. It was agreed at the time that an area comprising approximately 27 acres at Murphy Barracks would be transferred to Cork County Council for community use and title to this area is being transferred to the council. Agreement has also been reached for the sale of a site, circa 1.7 acres, to the Department of Education and Science for approximately €1.1 million. A half acre site has been set aside on foot of a request from the Office of Public Works for a plot to facilitate extension of the existing Garda station located on Main Street, Ballincollig.

A total of 19,218 acres at the former Fitzgerald Camp, Fermoy, were sold to Cork County Council in 2001 for €973,889 for development in conjunction with the IDA. Castleblayney military post, County Monaghan, comprising circa ten acres, was sold to the North Eastern Health Board for €761,843 in 2002. Seven acres at Devoy Barracks, Naas, County Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8,888,167. The balance of the barracks lands — one acre — was sold to Kildare County Council for €380,921 in 2002. Clancy Barracks, Dublin, comprising 13.65 acres approximately, was sold to Florence Properties Limited for €25.4 million in 2004.

With regard to the remaining barracks viz. Magee Barracks, Kildare, the Government decided in July 2003 that this property would be among the State lands released for inclusion in the Sustaining Progress affordable housing initiative. The modalities of the transfer of this property, as well as lands at Gormanston, County Meath, St. Brin’s Hospital, Dublin, and Collins Barracks, Cork, to the relevant local authorities...
are under consideration in consultation with the Department of the Environment, Heritage and Local Government and the Chief State Solicitor’s office.

Details of additional military properties, each in excess of €100,000, which were surplus to requirements and which were disposed of since 1997 are as follows: 6.39 acres, known as Susan’s Field, adjoining Collins Barracks, Cork, was sold to Cork City Council for €1.523 million in 2002; circa 3.4 acres at Sarsfield Barracks, Limerick, was disposed of to Limerick City Council for €1.162 million in 2002-03; a site comprising circa 0.931 acres, adjacent to my Department’s RDF premises in Kanturk, County Cork, was disposed of to the then Southern Health Board for a consideration of €178,000 in 2003; approximately 1.559 acres at Waterford Barracks was sold to Waterford City Council for €662,000 in 2003; the sale by public tender of Belmont Huts, Cobh, County Cork, comprising circa 2.89 acres, to a Wexford-based partnership for €2.4 million, was completed during 2004; and Custume House, Athlone, was sold to the Organisation of National Ex-Servicemen and Women Teoranta for €254,000 in 2005. Total receipts in these transactions amounted to €86.3 million.

The Government decided in February 2000, in the context of the White Paper on Defence, that 100% of the proceeds from sales of surplus military properties would be reinvested in equipment and infrastructure for the Defence Forces.

**Defence Forces Recruitment.**

381. Mr. Naughten asked the Minister for Defence the discussions he has had with PDFORA regarding the extension of a private’s contract beyond 12 years; and if he will make a statement on the matter. [16316/05]

382. Mr. Naughten asked the Minister for Defence his plans to extend the contract for a private in the Defence Forces beyond the current 12 years; and if he will make a statement on the matter. [16317/05]

**Minister for Defence (Mr. O’Dea):** I propose to take Questions Nos. 381 and 382 together.

The unsatisfactory age and fitness profile of the Permanent Defence Force was commented upon by the Gleeson Commission in its report in 1990. The matter had also been of serious concern to the military authorities for a number of years. The age profile was also the subject of severe criticism by PricewaterhouseCoopers consultants, who had been engaged by the Efficiency Audit Group, EAG, to conduct an in-depth study of the Defence Forces. One of the key areas identified for urgent action by the EAG was the development of a manpower policy with an emphasis on lowering the age profile of Permanent Defence Force personnel. The EAG’s report was accepted by Government in 1995.

In an effort to ameliorate the situation, the Government had decided, in 1993, to enlist personnel on a five-year contract basis with a reserve force commitment of seven years. The recruitment of personnel on five-year contracts was introduced following consultation with the Permanent Defence Force Other Ranks Representative Association, PDFORRA.

In 1997 agreement was reached with PDFORRA on a new manpower policy for the Defence Forces. This policy, applying to personnel enlisted after 1 January 1994, provided that service for private soldiers would initially be for five years with the option to be extended to a maximum of 12 years. An extension was subject to the individual soldier meeting certain criteria to include standards of medical and physical fitness and conduct. Longer periods of service were envisaged for junior and senior non-commissioned officers. The new policy represented the possibility of a substantial extension for personnel who would otherwise have had to leave after five years service while continuing to address the issues of age profile and fitness levels in the Defence Forces.

PDFORRA has submitted a claim under the conciliation and arbitration scheme for a further review of the terms of service applying to personnel enlisting in the Permanent Defence Force after 1 January 1994. As discussions on issues raised under the scheme are confidential to the parties concerned, the Deputy will appreciate that it would not be appropriate to comment further other than to emphasise that in dealing with this issue the manpower and operational needs of the Defence Forces must be the primary consideration.

**Departmental Properties.**

383. Mr. Kenny asked the Minister for Defence if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16414/05]

**Minister for Defence (Mr. O’Dea):** The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare, and Clancy Barracks, Dublin. The sale of 97 acres approximately at Murphy Barracks, Ballincollig, was completed in 2003 for a total of €42 million. The bulk of the lands were purchased by O’Flynn Construction. The sale of a site comprising circa 2.7 acres to the then Southern Heath Board for €1.73 million was completed in December last. It was agreed at the time that an area comprising approximately 27 acres at Murphy Barracks would be transferred to Cork County Council for community use and title to this area is currently being transferred to the Council. Agreement has
also been reached for the sale of a site circa 1.7 acres to the Department of Education and Science for approximately €1.1 million. A half acre site has been set aside on foot of a request from the Office of Public Works for a plot facilitate extension of the existing Garda station on Main Street, Ballincollig.

A total of 19,218 acres at the former Fitzgerald Camp, Fermoy, were sold to Cork County Council in 2001 for €973,889 for development in conjunction with IDA Ireland. Castleblayney military post, County Monaghan, comprising circa ten acres, was sold to the then North Eastern Health Board for €761,843 in 2002. A total of seven acres at Devoy Barracks, Naas, Co. Kildare, were ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8,888,167. The balance of the barracks lands — one acre — was sold to Kildare County Council for €380,921 in 2002. Clancy Barracks, Dublin, comprising 13.65 acres approximately, was sold to Florence Properties Limited for €25.4 million in 2004.

With regard to the remaining barracks viz. Magee Barracks, Kildare, the Government decided in July 2003 that this property would be among the State lands released for inclusion in the Sustaining Progress affordable housing initiative. The modalities of the transfer of this property, as well as lands at Gormanston, County Meath, St. Bricin’s Hospital, Dublin and Collins Barracks, Cork, to the relevant local authorities are under consideration in consultation with the Department of the Environment, Heritage and Local Government and the Chief State Solicitor’s office.

Details of additional military property which was surplus to requirements and, which was disposed of since 1995 are as follows: 6.39 acres, known as Susan’s Field, adjoining Collins Barracks, Cork, was sold to Cork City Council for €1.523 million in 2002; circa 3.4 acres at Sarsfield Barracks, Limerick, was disposed of to Limerick City Council for €1.162 million in 1999; a site comprising circa 0.931 acres, adjacent to my Department’s RDF premises in Kanturk, County Cork, was disposed of to the then Southern Health Board for a consideration of €178,000 in 2003; approximately 1.559 acres at Waterford Barracks was sold to Waterford City Council for €662,000 in 2003; the sale by public tender of Belmont Huts, Cobh, County Cork, comprising circa 2.89 acres, to a Wexford-based partnership for €2.4 million, was completed during 2004; Spike Island, County Cork, was sold to the Department of Justice, Equality and Law Reform for €65,000 in 2004; Costume House, Athlone, was sold to the Organisation of National Ex-Servicemen and Women Teoranta for €254,000 in 2005.

Since 1 January 1995, a total of 111 married quarters, which were located outside of barracks, have been sold to the occupants or, in a small number of cases where the quarters were vacant, disposed of by means of tender competitions restricted to members of the Defence Forces, realising in excess of €3.9 million. In addition, from time to time, land at various locations has been dedicated to local authorities to allow for projects such as road widening or realignment schemes. All transactions were carried out in accordance with proper procedures.

**Turbary Rights.**

384. Mr. Naughten asked the Minister for the Environment, Heritage and Local Government if he has received sanction from the Minister for Finance to pay bog owners an acreage top-up payment on bog purchased prior to the recent agreement with the IFA; and if he will make a statement on the matter. [16246/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In July 2004 my Department concluded an agreement with the farming pillar under Sustaining Progress which involved increased rates of compensation for the cessation of turf cutting in bogs that have been proposed as designated conservation areas. This agreement incorporates retrospective provisions benefiting landowners who participated in the original 1999 scheme for disposal of raised bogs and turbary rights to my Department. Payments of retrospection to benefit landowners will be put in place shortly.

**Election Management System.**

385. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that 15 states in the US have passed legislation requiring VVAT on all e-voting machines, that one other state has legislation passed which is awaiting its Governor’s signature and that 19 states have Bills before their legislatures requiring VVAT which has not yet passed; and if he will make a statement on the matter. [15917/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department is developing, in parallel with the continuing work of the Commission on Electronic Voting, a programme of further assessment, testing and validation which is intended to address the concerns raised in the Commission’s interim and first reports with regard to the secrecy and accuracy of the electronic voting and counting system. As part of this work programme, regard will continue to be had to further experiences and developments internationally in the use of electronic voting and counting solutions and their relevance to electoral arrangements in Ireland. It should, however, be noted that, internationally, electronic voting and counting systems equipped with VVAT are the exception rather than the norm, with the majority of systems around the world...
having an internal audit system instead, similar to the chosen system in Ireland.

Water and Sewerage Schemes.

386. Mr. Ferris asked the Minister for the Environment, Heritage and Local Government when his Department will make a decision on the Castlesisland sewerage scheme stage 2 and the County Kerry waste water villages advanced study. [15949/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Castlesisland sewerage scheme, stage 2, is included in my Department’s water services investment programme 2004-2006 as a scheme to commence construction in 2006 at an estimated cost of €5.5 million. My Department received the required water charging policy report for the scheme from Kerry County Council within the past few days. This will allow consideration of the council’s preliminary report for the scheme to be finalised shortly.

Kerry County Council has also submitted proposals to my Department for the appointment of consultants to prepare a procurement strategy for village sewerage schemes in the county. These proposals are under examination in my Department and will be dealt with as quickly as possible.

Local Government.

387. Mr. Cregan asked the Minister for the Environment, Heritage and Local Government if he will report on the functions of town commissioners. [15950/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): One of the objectives of the Local Government Act 2001 was to strengthen current town local government and to provide for linkage and co-operation with the county in the delivery of more integrated and improved service to the public, both for the town and its surrounding areas. The Act modernises the law relating to former town commissioners and provides appropriate powers, flexibility and opportunity for them to engage with local communities in co-operation with county councils, local groups and other agencies. Under the Act a single common legislative code applies to all local authorities and former town commissioners and urban district councils now have the uniform title of town council.

All local authorities exercise a representational role and enjoy broad powers to support the community interest, to make by-laws to deal with matters of local concern and may make a community contribution to support local projects. Town councils are represented on relevant county council area committees. In addition, following the publication in 2004 of the review of the operation of strategic policy committees, SPCs, at county council level, town council representation on SPCs has been interlaced.

Water and Sewerage Schemes.

388. Mr. Cregan asked the Minister for the Environment, Heritage and Local Government the progress which has been made regarding the Foynes Shangolden sewerage scheme in County Limerick; and if he will make a statement on the matter. [15951/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Shanagolden and Foynes sewerage schemes, which are being advanced as part of a grouped project, are included in my Department’s water services investment programme 2004 — 2006 as schemes to commence construction this year. My Department is awaiting the submission by Limerick County Council of a preliminary report for the schemes.

389. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government if an application for funding for a sewerage plant (details supplied) in County Westmeath has been forwarded to his Department; the date of receipt of this application; if the project has been approved; if funds have been allocated for these works; and if he will make a statement on the matter. [15960/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Milltownpass sewerage scheme has been approved for funding under the rural towns and villages Initiative of my Department’s water services investment programme 2004-2006, at an estimated cost of €4.3 million. The preliminary report for the scheme was approved in November 2003. The water services pricing policy report submitted by Westmeath County Council is under examination in my Department and will be dealt with as quickly as possible.

Hazardous Substances.

390. Cecilia Keaveney asked the Minister for the Environment, Heritage and Local Government the policy in relation to making water connections into old asbestos pipes; and if he will make a statement on the matter. [15992/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Asbestos cement piping complying with the specifications of Irish Standard 188 which, inter alia, requires bitumen lining and coating, was widely used in the provision of new local authority water mains for more than 30 years. It has also been extensively used and is a well-established and accepted product for this purpose, internationally.

The main health risk associated with asbestos products relates to inhalation of airborne asbestos particles. The potential exposure to such risk has led to a decline in the use of asbestos material and asbestos cement pipes are no longer used in Ireland for new public water mains or sewer
pipes. The World Health Organisation’s position in relation to asbestos in drinking water is that there is no consistent evidence that ingested asbestos is hazardous to health and that there is no need to establish a health based guideline value for asbestos in drinking water.

Where it is necessary to make a connection to an existing asbestos cement water main, it is a matter for a local authority or its contractor, as appropriate, to ensure that the procedures and equipment used accord with relevant health and safety legislation.

**Water and Sewerage Schemes.**

391. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if he has received an application for funding for a sewerage scheme for a village (details supplied) in County Westmeath; the date of receipt of this application; if this scheme has been approved; the estimated cost and when funds are likely to be made available for this project. [16014/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Glasson-Ballykeeran-Coosan sewerage scheme has been approved for funding under the rural towns and villages initiative of my Department’s water services investment programme 2004-2006, at an estimated cost of €3.6 million. My Department recently approved Westmeath County Council’s brief for the appointment of consultants to prepare contract documents for the scheme and is now awaiting the submission of these documents by the council for approval.

**Litter Pollution.**

392. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government if he intends to increase penalties for the owners of dogs responsible for dog dirt on streets; the additional measures he intends to take to deal with this problem; and if he will make a statement on the matter. [16024/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): I am satisfied that the penalties and enforcement powers in the Litter Pollution Acts 1997 to 2003 are adequate to deal with dog fouling. Primary responsibility for management and enforcement responses to litter pollution, including dog fouling, lies with local authorities.

**Departmental Changes.**

393. **Mr. Kenny** asked the Minister for the Environment, Heritage and Local Government further to the publication of the Travers report, if his Department has carried out a review of the legal basis for all charges and fees levied by his Department and agencies under the aegis of his Department; the outcome of any such review; if any charges have been identified which do not have an adequate legal basis; and if he will make a statement on the matter. [16082/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A review has been initiated on the adequacy of the legal basis for charges and fees levied by my Department and by authorities and other agencies under legislation for which my Department is responsible. This review is in progress.

**Local Authority Funding.**

394. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government if he has allocated funding to the local authorities for local improvement schemes for the 2005 programme; if so, the funding each local authority applied for and received; the funding applied for and received in 2004; and if he will make a statement on the matter. [16091/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O’Keeffe): Information on the operation of the local improvement scheme in each county council area is sought from councils each year. This includes details of the number of applications on hand and the estimated cost of those applications at the end of each year. Table 1 sets out details of the number of applications on hands and the estimated cost of those applications at the end of 2003 and the initial allocation made to each county council in 2004.

Table 2 sets out details of the number of applications on hand and the estimated cost of those applications at the end of 2004. I intend to announce the 2005 allocations shortly.

<table>
<thead>
<tr>
<th>County Council</th>
<th>No. of applications</th>
<th>Estimated cost</th>
<th>Initial allocation 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cavan</td>
<td>291</td>
<td>5,552,280</td>
<td>1,065,546</td>
</tr>
<tr>
<td>Clare</td>
<td>137</td>
<td>4,100,000</td>
<td>564,294</td>
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<tr>
<td>Cork</td>
<td>229</td>
<td>9,000,000</td>
<td>565,368</td>
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<tr>
<td>Donegal</td>
<td>688</td>
<td>11,247,720</td>
<td>1,719,004</td>
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<tr>
<td>Fingal</td>
<td>2</td>
<td>25,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Galway</td>
<td>199</td>
<td>4,175,000</td>
<td>829,189</td>
</tr>
<tr>
<td>Kerry</td>
<td>340</td>
<td>11,215,000</td>
<td>1,198,398</td>
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</table>

Table 1
### Questions—
17 May 2005.

**Written Answers**

<table>
<thead>
<tr>
<th>County Council</th>
<th>No. of applications</th>
<th>Estimated cost</th>
<th>Initial allocation 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kildare</td>
<td>18</td>
<td>€30,411</td>
<td>€112,422</td>
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<td>Kilkenny</td>
<td>60</td>
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<td>€144,997</td>
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<td>Laois</td>
<td>84</td>
<td>€2,512,522</td>
<td>€191,332</td>
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<td>Leitrim</td>
<td>192</td>
<td>€3,800,000</td>
<td>€784,841</td>
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<tr>
<td>Limerick</td>
<td>120</td>
<td>€2,449,032</td>
<td>€288,577</td>
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<tr>
<td>Longford</td>
<td>126</td>
<td>€3,140,000</td>
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<tr>
<td>Louth</td>
<td>34</td>
<td>€400,000</td>
<td>€130,609</td>
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<tr>
<td>Mayo</td>
<td>758</td>
<td>€6,400,000</td>
<td>€1,438,736</td>
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<tr>
<td>Meath</td>
<td>15</td>
<td>€224,192</td>
<td>€69,263</td>
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<tr>
<td>Monaghan</td>
<td>332</td>
<td>N/A</td>
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<tr>
<td>North Tipperary</td>
<td>61</td>
<td>€1,507,678</td>
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<tr>
<td>Offaly</td>
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<tr>
<td>Roscommon</td>
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<td>Sligo</td>
<td>80</td>
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<td>South Tipperary</td>
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<td>Waterford</td>
<td>39</td>
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<tr>
<td>Westmeath</td>
<td>21</td>
<td>€315,612</td>
<td>€123,859</td>
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<tr>
<td>Wexford</td>
<td>84</td>
<td>€2,123,881</td>
<td>€235,613</td>
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<tr>
<td>Wicklow</td>
<td>29</td>
<td>€1,344,881</td>
<td>€179,317</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>4,137</strong></td>
<td><strong>76,339,290</strong></td>
<td><strong>12,100,000</strong></td>
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</tbody>
</table>

### Table 2

<table>
<thead>
<tr>
<th>County Council</th>
<th>No. of applications on hands at the end of 2004</th>
<th>Estimated cost of applications on hands at the end of 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow</td>
<td>30</td>
<td>€565,133</td>
</tr>
<tr>
<td>Cavan</td>
<td>236</td>
<td>€4,956,000</td>
</tr>
<tr>
<td>Clare</td>
<td>148</td>
<td>€3,800,000</td>
</tr>
<tr>
<td>Cork</td>
<td>235</td>
<td>€9,240,000</td>
</tr>
<tr>
<td>Donegal</td>
<td>793</td>
<td>€13,963,533</td>
</tr>
<tr>
<td>Fingal</td>
<td>1</td>
<td>€15,000</td>
</tr>
<tr>
<td>Galway</td>
<td>177</td>
<td>€4,012,500</td>
</tr>
<tr>
<td>Kerry</td>
<td>374</td>
<td>€10,445,438</td>
</tr>
<tr>
<td>Kildare</td>
<td>4</td>
<td>€88,504</td>
</tr>
<tr>
<td>Kilkenny</td>
<td>82</td>
<td>€2,095,278</td>
</tr>
<tr>
<td>Laois</td>
<td>102</td>
<td>€2,995,747</td>
</tr>
<tr>
<td>Leitrim</td>
<td>216</td>
<td>€6,400,000</td>
</tr>
<tr>
<td>Limerick</td>
<td>125</td>
<td>€2,951,203</td>
</tr>
<tr>
<td>Longford</td>
<td>135</td>
<td>€3,364,000</td>
</tr>
<tr>
<td>Louth</td>
<td>25</td>
<td>€490,000</td>
</tr>
<tr>
<td>Mayo</td>
<td>1,033</td>
<td>€9,800,000</td>
</tr>
<tr>
<td>Meath</td>
<td>18</td>
<td>€326,873</td>
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<tr>
<td>Monaghan</td>
<td>290</td>
<td>€5,803,594</td>
</tr>
<tr>
<td>North Tipperary</td>
<td>95</td>
<td>€1,000,000</td>
</tr>
<tr>
<td>Offaly</td>
<td>57</td>
<td>€1,056,722</td>
</tr>
<tr>
<td>Roscommon</td>
<td>102</td>
<td>€1,444,736</td>
</tr>
<tr>
<td>Sligo</td>
<td>77</td>
<td>€1,334,548</td>
</tr>
<tr>
<td>South Tipperary</td>
<td>39</td>
<td>€804,500</td>
</tr>
<tr>
<td>Waterford</td>
<td>38</td>
<td>€757,089</td>
</tr>
<tr>
<td>Westmeath</td>
<td>30</td>
<td>€482,549</td>
</tr>
<tr>
<td>Wexford</td>
<td>63</td>
<td>€1,808,756</td>
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<tr>
<td>Wicklow</td>
<td>25</td>
<td>€1,066,743</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,550</strong></td>
<td><strong>91,070,446</strong></td>
</tr>
</tbody>
</table>
Social and Affordable Housing.

395. Mr. Walsh asked the Minister for the Environment, Heritage and Local Government the position regarding the affordable housing scheme at Clonakilty, County Cork; and if he will make a statement on the matter. [16211/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Question No. 166 of 14 April 2005. The position is unchanged.

Water and Sewerage Schemes.

396. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government when sewage treatment will be provided at Omeath, County Louth; the locations at which raw sewerage is currently being pumped into Carlingford Lough; and if he will make a statement on the matter. [16238/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Omeath sewerage improvement scheme was included in the list of water services schemes submitted by Louth County Council in response to my Department’s request to all local authorities to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The priority lists were taken into account in the framing of the water services investment programme 2004-2006, published in May 2004. In view of the priority afforded to the scheme by Louth County Council, it was not possible to include it in the programme.

Details of municipal waste water discharges from agglomerations with population equivalents greater than 500 is provided in the Environmental Protection Agency’s report, Urban Waste Water Discharges in Ireland. The most recent report covering the years 2002 and 2003 is available in the Oireachtas Library.

Fire Service.

397. Mr. P. McGrath asked the Minister for the Environment, Heritage and Local Government the recommendations from a report (details supplied) on the fire service which have been implemented to date; and if he will make a statement on the matter. [16247/05]

Minister for the Environment, Heritage and Local Government: I propose to take Questions Nos. 397 to 399 inclusive together.

My Department has implemented a number of the important recommendations of the report, Review of Fire Safety and Fire Services in Ireland. These include the enactment of the Licensing of Indoor Events Act 2003, which addressed a number of legislative changes called for in the review. In addition, the high level of capital investment in the fire service has continued and now stands at almost €20 million per annum. The interdepartmental committee on major emergency planning, which is chaired by my Department, is carrying out a review of the major emergency planning framework.

On 17 February 2005 I announced a fire services change programme in which I set out a strategy for the future development of the fire service. This strategy includes measures addressing the development of community fire safety programmes, the development of a risk-based approach to the determination of fire cover standards, the introduction of a competency-based approach to recruitment, retention and career progression in the fire service and the enhancement of health, safety and welfare programmes within the service.

Departmental Properties.

400. Mr. Timmins asked the Minister for the Environment, Heritage and Local Government if he will provide a list of all the assets worth more than €100,000 that his Department has sold since 1997; the total value of all these assets; the purposes for which the proceeds from the sale of same were used; and if he will make a statement on the matter. [16311/05]

405. Mr. Kenny asked the Minister for the Environment, Heritage and Local Government if he will supply an inventory of all assets, specifically land and buildings, disposed of by his Department in each of the past ten years; if transactions were in accordance with proper procedures in the case in which such apply; the date of each sale; the location and asset disposed of in each case; the disposal price agreed; and the purchaser involved. [16416/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 400 and 405 together.

There were no assets worth more than €100,000, land or buildings disposed of by my Department during the periods in question.

Waste Management.

401. Mr. Healy asked the Minister for the Environment, Heritage and Local Government the details of the charging system for refuse collection and disposal for each local authority
Minister for the Environment, Heritage and Local Government (Mr. Roche): The making of waste service charges is a matter for individual local authorities engaged in the direct provision of waste collection services and for private providers of such services. Similarly, the type of pay-by-use system used is principally a matter for service providers, having regard to Government policy.

My Department has not previously collated information in respect of waste charges levied. However, in the context of the move to a pay-by-use system of charging, my Department has compiled indicative details of user charges in each local authority area. I will arrange to have the information forwarded to the Deputy. It is not possible to indicate the likelihood of savings to be gained by householders as this will be largely determined by the degree to which individuals reduce the amount of waste they produce, including availing of kerbside or other recycling facilities.

Recycling Policy.

402. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government his views on the new EU directive on recycling of electronic waste. [16391/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A central element of Government policy on waste management is the development of producer responsibility initiatives, PRIs, for particular waste streams. The producer responsibility approach has been employed with considerable success in other waste streams, notably packaging waste, where the industry based Repak model has been operating successfully in Ireland under the EU Packaging and Packaging Waste Directive.

The EU directive on waste electrical and electronic equipment, WEEE, which came into effect on 13 February 2003, sets challenging requirements for all relevant stakeholder groups. Electronic waste is one of the fastest growing waste streams in the European Union and there are compelling reasons to tackle this waste stream. Most electrical and electronic equipment contains valuable compounds and other materials which can readily be recycled; some equipment contains chemicals, heavy metals and radiated elements which are hazardous and should not be landfilled in municipal landfill facilities; and the sustainable use of resources, and our limited landfill capacity, demands that we do not send increasing volumes of electronic waste to landfill.

This waste can best be managed across the EU by member states acting together, following a common legal framework as now provided by the WEEE directive. Draft regulations, which will transpose the directive into Irish law, have now been published for consultation. These were prepared by my Department working closely with the relevant public sector and industry stakeholders through a dedicated WEEE taskforce. The taskforce was established in February 2003 to develop proposals for a PRI for electronic waste at the lowest possible cost to business and the economy and with the maximum benefit to the Irish environment.

Implementation of the WEEE directive on 13 August this year will mark a major shift in the way we manage this waste stream. From that date, producers will be required to bear the financial responsibility for the treatment, recycling and recovery of WEEE and retailers will be obliged to take back on a one-for-one basis WEEE of similar type or fulfilling the same function of the new item that is being purchased. The WEEE directive also sets recycling and recovery targets for various categories of WEEE to be achieved by producers together with an annual recovery of target of 4 kgs of WEEE per head of population. That means by 31 December 2008, Ireland will have to recover approximately 16,000 tonnes of WEEE each year.

My Department is committed to ensuring that the implementation phase is a smooth one and we have worked closely with all relevant stakeholders to achieve this. There have been two public consultations, the second of which on the draft WEEE regulations has just ended. As part of the consultation process I met with both the WEEE producers and retailers. All comments and observations received on the draft regulations will be considered by my Department in finalising the regulations, which I intend to make in advance of the implementation of the WEEE directive on 13 August 2005. I am committed to implementing this directive on time and in full.

403. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government the current WEEE requirements and regulations for retailers; the planned and prospective changes to these regulations; and if he will make a statement on the matter. [16392/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU directive on waste electrical and electronic equipment, WEEE, which came into effect on 13 February 2003, involves challenging requirements for all relevant stakeholder groups, including retailers. Draft regulations which will transpose the directive into Irish law were published on 15 April last for public consultation. These were prepared by my Department working closely with the relevant public sector and industry stakeholders through a dedicated WEEE taskforce established in February 2003.

As part of the public consultation process which has now been completed, I met the representatives of both the WEEE producers and
[Mr. Roche.]

retailers to discuss the draft regulations. This was the second consultative process, the first followed the publication of the task force report in April 2004 and stakeholders have also been consulted on an ongoing basis through the taskforce.

Under the provisions of the draft regulations, from 13 August 2005 each retailer must, *inter alia*, register his or her premises with the appropriate local authority; provide for free in-store take back of WEEE on a one-for-one basis on the sale of a similar new product; ensure that any WEEE taken back is collected by a collector with the appropriate waste collection permit or licence or is delivered to an approved collection facility; and ensure that private households are informed of the WEEE take back facilities available to them.

404. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government his views on correspondence (details supplied); and if he will make a statement on the matter. [16394/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Implementation of the EU directive on waste electrical and electronic equipment, WEEE, which came into effect on 13 February 2003, requires close co-operation between all stakeholders — producers, retailers and central and local Government. For this purpose, a task force representative of all relevant sectors, including retailers, was established in February 2003 to draw up proposals for implementing the directive.

A report by the task force published in April 2004 examined the issues surrounding implementation of the directive and made a number of recommendations on the collection, recycling, financing, regulation and reporting arrangements that need to be put in place in advance of free take-back of WEEE, which will commence on 13 August 2005. A public consultation followed, the results of which assisted the preparation of draft regulations, which I published on 15 April last. The position on the specific issues raised in the correspondence are as follows. With regard to the take back of WEEE, the draft regulations do not go beyond the scope of the directive, which is the taking back on a one-for-one basis of WEEE of similar type or fulfilling the same function of the new item that is being purchased. This is also in line with the recommendation made by the taskforce. Retailers will also be able to transfer free of charge collected WEEE to civic amenity sites. They may subject to the agreement of the appropriate local authorities, make alternative arrangements to in-store take-back, provided that such arrangements are not more inconvenient for the purchaser and remain free of charge. Batteries not contained within a piece of electronic equipment are outside the scope of the directive although it does require the removal and separate treatment of batteries in WEEE brought to treatment facilities. A retailer will not be required to take-back contaminated WEEE that presents a health and safety risk unless such contamination is on account of his or her liability under the Sale of Goods and Supply of Services Act 1980.

To minimise the regulatory burden of the WEEE directive, the draft regulations propose that retailers be allowed to avail of an exemption from the normal waste permitting requirements for the storage and transport of WEEE in certain circumstances. Under the modified regime, which will be considerably less burdensome than the normal collection and waste permitting requirements, retailers will be required to register their premises with their local authority. Insurance considerations are matters for the individual retailers.

Deferral of the directive in any other member state will not place retailers at a competitive disadvantage. The obligations involved for all who sell electrical and electronic equipment will be the same, regardless of whether they are independent retailers or multiples, headquartered in or outside the State.

Section 30 of the Planning and Development Act 2000 precludes my commenting on any planning cases that are under consideration or may come under consideration.

In addition to retailer representation on the WEEE taskforce, there have been two public consultations, the second of which on the draft WEEE regulations has just ended. As part of the consultation process, I met retailers’ representatives. All comments and observations received on the draft regulations will be considered by my Department in finalising the regulations which I intend to make in advance of the implementation of the WEEE directive on 13 August 2005.

*Question No. 405 was answered with Question No. 400.*