



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

Wednesday, 1 June 2005.

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## DÁIL ÉIREANN

*Dé Céadaoin, 1 Meitheamh 2005.  
Wednesday, 1 June 2005.*

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

*Paidir.  
Prayer.*

### Leaders' Questions.

**Mr. Kenny:** Yesterday, following the “Prime Time” programme, the focus of attention was on the Leas Cross nursing home and the need to tackle the systematic and grossly unacceptable practices in place there. However, the issues raised by the television programme are of much wider import and relate to the abuse of elderly people in general.

This Government has failed elderly citizens. It has presided over a hopeless inspection regime that gives advance notice of inspection and does not carry out the minimum number of inspections required by law. Only 80 private nursing homes were inspected once last year; over 480 homes should have been inspected twice. The inspection regime does not have the power to close nursing homes where standards are inadequate and it allowed the Leas Cross scandal to happen. That scandal, by implication, drags down the reputation of all nursing homes, some of which have exceptionally high standards and provide excellent nursing care.

Responsibility for the inadequate regime lies with the Taoiseach and his Government. Promises were made in 2001 to introduce legislation to deal with this matter. Promises were also made to implement recommendations on elderly abuse. These promises have not been fulfilled.

Is the Taoiseach prepared to introduce legislation for a new, independent inspectorate in the coming weeks? Last December, the Tánaiste rushed through legislation to deal with illegal charges for long-stay beds. The Government should show the same urgency in drafting legislation to protect elderly people as it did in attempting to take 80% of their pension payments. Members on this side of the House will facilitate the Government in ensuring that the Bill is introduced and passed before the summer recess.

**Mr. O'Dowd:** Hear, hear.

**Mr. Kenny:** In view of the appalling inadequacy of the inspection regime, has the Taoiseach called

in the Health Services Executive to ascertain on whose instructions advance notice of inspection was, and is, given to all nursing homes? That is akin to giving the question papers to next week's leaving certificate students. It is a complete failure of this Government to have introduced an inspection regime that is utterly inadequate. It is a further failure that it takes a programme like “Prime Time” to expose a scandal in a particular nursing home. There is evidence that the problems exposed may exist in a number of other nursing homes.

**The Taoiseach:** This Government takes the issues relating to the elderly most seriously, including carers, home help, housing, respite care and many other areas. We have shown our concern by our actions throughout our term in office and we will show it again in dealing with this case.

As I said yesterday, what happened at Leas Cross nursing home was unacceptable and was an insult to the residents and their families. It cannot happen again. Agreement has been reached between the HSE and the home that will bring about much needed improvements immediately. The Minister of State at the Department of Health and Children with responsibility for the elderly, Deputy Seán Power, met the HSE yesterday and arranged for a report to be drawn up on the position in the home. The changes that were agreed will be examined in a month's time to assess their implementation. Efforts will continue to ensure that care at the home is up to the proper standard.

I spoke to the HSE and Deputy Seán Power about the issues. The problem in the Leas Cross case was not a lack of inspections. There are ten inspectorate teams, based on the old health board system. That will be changed under the reform proposals introduced by the Tánaiste. There was no conformity in the inspection procedure and the HSE is now working to introduce a unified approach and to develop a robust inspection system that will be able to deal with difficulties in a unified fashion across the country.

**Mr. Neville:** When will that be done?

**The Taoiseach:** The HSE is already doing it.

It will be made up of teams of medical, nursing and environmental inspectors. As Deputy Kenny pointed out, there are inspections taking place in health board areas already. The strongest inspectorate, because it is a dedicated unit, is in the former Northern Health Board area, where the Leas Cross home is located. The inspectorate had been dealing with the home and thought it was making progress. It probably was making progress in many areas — I do not want to be critical of the staff who were acting in good faith. Inspectorate staff highlighted issues and asked that problems be rectified. Clearly they were not rectified and that was appalling, as I stated yesterday. Legislation to establish a proper inspectorate that will be independent of the HSE and deal with

[The Taoiseach.]

both nursing homes and children is being prepared. The legislation will not be ready before the summer but will be introduced in the autumn. That will not stop the work going on between now and the autumn.

I asked why nursing homes are given advance notice of inspections. In most cases, nursing homes are not given advance notice. However, advance notice is given of the first call to the institution. This is because inspectors wish to talk to the managers and owners of the home. They do not give advance notice because they just want to inspect the building. They want to inspect the insurance, fire certificate, the accounts and all of the other relevant issues. On subsequent visits——

*(Interruptions).*

**The Taoiseach:** If the Deputies listened to me, they might learn. When they come back——

**A Deputy:** They bury the report.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Taoiseach to speak without interruption.

*(Interruptions).*

**The Taoiseach:** When inspectors come back on subsequent visits, they do not give notice. They come back to inspect the wards and medical facilities but there is little point in them turning up to check all the other issues when there is nobody there. This is the reason why they operate the system they do.

**An Ceann Comhairle:** The Taoiseach's time is concluded.

**The Taoiseach:** The HSE also meets the nursing home association and works with it to improve standards. The HSE works with public nursing homes to ensure standards in them are improved because we readily admit there are problems to be rectified. The Health (Nursing Homes) Act 1990 and the 1993 regulations are being reviewed.

**Mr. Kenny:** The Taoiseach has given an appallingly cynical answer.

**Deputies:** Hear, hear.

**Mr. Kenny:** He has not answered any question and it is typical of his governance that while he is more interested in ticking boxes and defending the inadequacy of the HSE by saying it does not give advance notice of inspections, 80 nursing homes were inspected once in 2004, when the legal requirement is two inspections per year of 480 private nursing homes. The Taoiseach's answer is disgraceful.

The Government took a case against Rostrevor Nursing Home to close it in 2004. That case has been dropped. Why was the HSE not sent into this nursing home to do what it is doing in Leas Cross? Will Leas Cross be run by the HSE while still having the benefit of patients paying €45,000 or €46,000 per year when serious repayments were made to the Revenue Commissioners by the owners? If inspections of the nursing home were carried out, how did this situation come about?

Is the Taoiseach prepared to confirm that there will be no further notice given of inspections? Is he prepared to say he will introduce legislation before the summer, which this side of the House will facilitate, to protect elderly people? The current demographics of the country mean we are facing a crisis in the next 20 years in this area. Is he prepared to deal with the case of Rostrevor Nursing Home and others in the same way as Leas Cross is being dealt with? Will he point out who gets the benefit of the profits from the patients of Leas Cross who pay €46,000 per year for systematic abuse in a number of cases that were portrayed in "Prime Time Investigates"? This is a disgrace and it concerns governance by this Government, which has failed utterly to deal with the comfort, consolation and care of our elderly citizens, of whom we should be so proud but for whom we have shown such utter and appalling neglect in this case.

This neglect is typified by the launch this morning by the Tánaiste and Minister for Health and Children of a document entitled No One has the Right: National Conference on Elderly Abuse. This conference was held on 25 November 2004 but the Government suddenly decided to launch the document today. The Government has thrown its hat at it and the public will answer it in due course.

**Deputies:** Hear, hear.

**The Taoiseach:** Deputy Kenny could at least get his facts right as the report was launched by the organisation. I said yesterday that the conditions in Leas Cross Nursing Home are unacceptable and I have said it again today. The agreement reached yesterday between the Health Service Executive and the nursing home to bring about much needed improvement will be paid for by the nursing home and not the State. The HSE has dictated what needs to be done and what is being done. I said the governance of the nursing home will also be significantly changed. A clinical governance steering committee, with representatives of residents, residents' families and an independent expert, will be established. I said the Minister for State at the Department for Health and Children met the HSE yesterday to discuss the matter and will meet it again in a month to ensure that what was agreed at yesterday's meeting will be implemented. I said inspections had taken place and that the North Eastern Health Board was visiting this home. Inspections were carried out both with and without notice. It

believed in good faith that the management of Leas Cross was carrying out the measures the inspectors had highlighted. They have now discovered the management did not undertake these measures and feel disappointed and let down.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Taoiseach to speak without interruption.

**The Taoiseach:** Deputy Kenny asked two questions at the outset and said I gave a cynical answer when I answered both questions. He asked me whether legislation would be introduced before the summer and I said it would not but would be introduced in the autumn. I said that the proposed inspectorate will cover all areas. He asked me why advance notice of inspections is given to nursing homes and I explained the reason to him. I said that when inspectors visit the home for the first time to give it its three-year registration, they ask to examine all the issues, including accounts, staffing levels, insurance and the fire certificate.

*(Interruptions).*

**An Ceann Comhairle:** Please allow the Taoiseach to speak without interruption.

**The Taoiseach:** When inspectors return for subsequent visits to look at patients and organisation, they do not give notice. If they are not satisfied, under existing legislative powers, inspectors do not try to close units but try to get them to conform to the highest standards, as they do in public nursing homes.

**Mr. Kenny:** What about Rostrevor Nursing Home?

**The Taoiseach:** Staffing levels in public nursing homes are composed of both medical and clinical care and inspectors try to enforce those. If they believe either from an infrastructural or medical perspective, a nursing home is not up to the proper standards, they have no alternative but to move to close it.

**Mr. Kenny:** What about Rostrevor Nursing Home?

**The Taoiseach:** In the first instance, inspectors try to get the management, staff and administration to rectify the faults that have been reported.

**Mr. Kenny:** Why was the case against Rostrevor Nursing Home dropped? What about the HSE's role in the Rostrevor case?

**The Taoiseach:** In many of cases, the nursing home is the home for the individual so the HSE attempts to ensure homes have the highest standards so people are not disrupted. If the home

does not comply with the HSE's stipulations, the HSE moves to close the home.

**Mr. Kenny:** What about the Rostrevor case?

**The Taoiseach:** That is how it operates, if the House is interested. The Government is trying to strengthen provision.

**Mr. Kenny:** What about the Rostrevor case? The Taoiseach did not answer my question on the Rostrevor case.

**Mr. J. O'Keeffe:** It is time to send this Government to a nursing home.

**An Ceann Comhairle:** Deputy O'Keeffe must allow Deputy Rabbitte to speak without interruption. He is entitled to the same courtesy as Deputy Kenny.

**Mr. Rabbitte:** I do not mind but I note it is 10.50 a.m. I refer to a letter the Tánaiste and Minister for Health and Children wrote to my colleague, Deputy Seán Ryan, on 1 December 2004 which said "I am satisfied the nursing home regulations are being implemented properly".

**A Deputy:** She thought that.

**Mr. Rabbitte:** She continued, "A range of problems are being identified by the inspectors of private nursing homes and these include staffing levels and nursing policy issues, maintenance of accommodation standards, hygiene problems, lack of activities for residents, poor record keeping, insufficient or no active involvement from the local authority in fire safety, lack of equipment appropriate to clinical practice, for example, pressure mattresses, etc". She goes on to explain the problems, having said that she is satisfied that the regulations are being implemented properly. This can only mean the regulations are woefully inadequate, based on an Act the Ceann Comhairle introduced in 1990 when he was Minister for Health. I want to put the question the Taoiseach avoided in responding to Deputy Kenny. Will he legislate on this matter before the House rises? Twice in the past three weeks he rushed emergency legislation through this House to save the State money and now he is humming and hawing about when he will legislate on an issue that is so pressing for some of our more vulnerable citizens.

The Taoiseach, in his remark to Deputy Kenny in respect of the HSE, stated they thought they were making progress with the operator. Can I ask him about that in the case of Mr. Peter McKenna, who featured in the programme and with whose family my office has been working over a period to deal with the circumstances that he confronted and that were shown on that programme? He died in awful and painful circumstances, which I will not describe, in Leas Cross. Following continued and persistent pressure from my office, Mr. Martin Hynes, former chief executive of the Irish Blood Transfusion Service, was

[Mr. Rabbitte.]  
brought in to investigate the McKenna case. Mr. Hynes reported a couple of months ago. How can the Taoiseach say the HSE thought it was solving these problems and how can the HSE go on television and state that it was as shocked as the rest of us and taken by surprise at the extent of the problems portrayed at Leas Cross? How can they say that when they have the Hynes report, which has not been put into the public domain? Surely they knew. Former civil servants are careful and use euphemistic language, as we know from recent events. When dealing with a Government permanently in office, they take great care to be understated. I know the Taoiseach has a bad record in inspections in north Dublin but surely this defies explanation.

**The Taoiseach:** The Tánaiste and Minister for Health and Children announced some time ago that both the 1990 legislation and the 1993 regulations were being reviewed. They are being reviewed as part of the process that leads to this legislation, as I answered yesterday. Obviously, the reason they are being reviewed is they are not considered adequate.

The HSE is only in existence since 1 January but prior to that time there were ten inspectorate teams. They did not have conformity or a unified system. Since 1 January the HSE has been unifying the systems, trying to have a more robust organisation that will conduct far more vigorous inspections than at present. Under the current system, certainly since the 1990 Act and the 1993 regulations, they try to work with the management of the various institutions to bring them up to the standards they demand. I understand the Northern Area Health Board had problems, complaints and issues with the management and staff of Leas Cross. It believed it was making progress in getting these rectified. Staff now believe they were duped. That is their position and that is what they have said to me. They believe that what they were told on these issues was not being followed through and the systematic abuses we saw the other night were issues that they did not think happened. The reason for this is that they were not their 24 hours a day. The staffing levels were not what they thought. The standards were not what they thought. At times, obviously they were adequate but at other times they were wholly inadequate. That means we need a far more robust organisation with more detailed inspections. That will obviously mean, in time, more staff. It will mean a new inspectorate that will be probably far more vigilant than has been the case in the past. That is a fact.

In answer to Deputy Rabbitte, I am not tooting and froing. I have answered twice already that the legislation will be published in the autumn.

**Mr. McCormack:** Will the Taoiseach be there in the autumn?

**The Taoiseach:** The legislation is being prepared. It is legislation which will include inspectorates for a range of areas, not just nursing homes. That is under way.

I do not have details or knowledge about the case to which the Deputy referred but I imagine there are other cases too. The reality is that while there is an inspectorate, it should fully cover medical, nursing and environmental inspectors. It does but it has not sufficient presence. That was clear from the programme and from complaints like the one to which the Deputy referred.

The lesson from this is that we need stronger legislation. As we all know, stronger legislation, if not implemented, means nothing. Really what we need is an inspectorate that has conformity, that is unified, that conducts more inspections and that obviously will have more staff without which it could not do the work. In the meantime, the current regulations allow for many of these matters anyway. The HSE is determined over the period ahead, not only with Leas Cross but with some others it has mentioned, to work with the individuals and the nursing home association to try to get action. That is the truthful and honest position.

**Mr. Rabbitte:** I ask the Taoiseach to make himself aware of the Peter McKenna case. I think he will be as appalled as I am at what happened. I ask him to commit to the publication of the report by Mr. Martin Hynes. That report was in the possession of the people who are now proclaiming to be shocked. To state that we were duped on the supervision and invigilation of nursing homes is not exactly much of a defence.

Can I raise with the Taoiseach his assertion to Deputy Kenny that he has done so much for old people? He instanced carer's allowance and home help. The committee chaired by my colleague, Deputy Penrose, which reported on 27 November 2003 and which was subscribed to and signed up to by the Taoiseach's Deputies, recommended the abolition of the means testing for carer's allowance. This would provide the opportunity for more people to be cared for in their own homes, which is their preference. There has been no response from the Government on that issue.

The Taoiseach instanced the case of home help. Is he aware that the hours of home help are being cut in different parts of the country? Is he aware, for example, that when the people who perform the home help service had to be paid the minimum rate, what the health boards did was reduce the hours? They paid them the statutory minimum rate. Because they were women and because they were doing "menial work", which is a terrible description of the invaluable service they provide, they were paid buttons. Now they are paid the minimum rate and the Government cut the hours. For example, there is a 40% cut in north Kildare and a 20% cut in south Kildare. I have figures for different parts of the country. That is what is happening in Celtic tiger Ireland

and at the same time, the Taoiseach is telling Deputy Kenny to look at what he did on home help and carer's allowance.

**Mr. Ring:** They will not even bring the elderly to hospital by ambulance. They are cutting back on that.

**The Taoiseach:** Unless there is some legal or privacy issue of which I am not aware, I will check the report by Mr. Martin Hynes and make myself aware of the case.

There have been substantial improvements in the carer's allowance in every year of this Government.

**Mr. Stagg:** With a means test.

**The Taoiseach:** With a means test. There are means tests in our system right across the board. The disregard has been significantly improved. From today, the Government has brought in a respite grant of €1,000.

**Mr. Ring:** Get an application form for it.

**An Ceann Comhairle:** It is Deputy Rabbitte's question. The Deputy is not even a member of the Labour Party.

**Mr. Ring:** I wanted to inform the Taoiseach.

**The Taoiseach:** In reply to Deputy Rabbitte, from today a new respite grant is payable, regardless of means, to 33,000 people who are carers, which will be very beneficial and of significant help.

As I stated, the Government is determined on this issue. On home help, the Deputy is correct in stating that people were paid a pittance. We now pay €115 million to people.

**Mr. Stagg:** They cut the hours.

**An Ceann Comhairle:** The Taoiseach without interruption.

**Mr. Durkan:** The Government reduced the level of home help.

**Mr. O'Dowd:** It was reduced by 18,000 hours.

**The Taoiseach:** We have allocated significant—

**Mr. Allen:** That is because the Government had to pay the minimum wage.

**The Taoiseach:** It is because we were not able to get home helps. We are paying €10 per hour.

**A Deputy:** You were able.

**The Taoiseach:** We were not able to get people. We are now paying €10 per hour.

**Mr. Allen:** The Government paid the minimum wage and cut back the hours.

**The Taoiseach:** We did not have to pay the minimum wage; the Government paid the minimum wage.

**An Ceann Comhairle:** Deputy Allen should not interrupt. It is Deputy Rabbitte's question. He is well able to conclude.

**The Taoiseach:** There are two central issues in this regard. First, we must try to achieve conformity of our systems, better inspections and, under the existing legislation, make as much progress in this regard as possible, to avoid the kind of disgraceful situation at Leas Cross. Second, we must work to introduce a properly resourced and funded inspectorate, not only for nursing homes but also for child care institutions. We are preparing the necessary legislation, which will be in the House in the autumn.

**Caoimhghín Ó Caoláin:** People throughout the country are shocked and justifiably outraged at the revelations regarding the abuse of senior citizens in nursing homes. They hold the State culpable because it has failed to protect senior citizens. Is the Taoiseach aware that many thousands of senior citizens throughout the country do not need residential care but need services within their communities in order that, in their later years, they are not found isolated and alone? There is a need for a network of day care centres and, specifically, for the immediate resourcing of those centres already in place but as yet neither staffed nor resourced.

Is the Taoiseach aware that there are newly built centres, including health centres, with specially designated day care units for senior citizens, for example the centre at Cootehill, County Cavan, in my constituency, lying idle because they have neither the personnel nor the equipment to commence services, including, in the case of Cootehill, the provision of a bus service to access some 200 senior citizens from a wide hinterland? Is the Taoiseach aware that the then Minister for State at the Department of Health and Children, Deputy Callely, gave a commitment that the centre at Cootehill would be up and running for our senior citizens in advance of last year's local and European elections?

What will the Taoiseach do to ensure communities such as Cootehill, County Cavan, and elsewhere have the same level of service and enjoy the same access to day care provision as other communities throughout the country? Will he insist on lifting the staff ceiling currently in place within the health services to accommodate the staffing needs of these facilities? Will he arrange for the provision of the additional financial allocations necessary to see these essential services up and running, and not ask communities and senior citizens, in the twilight years of their

[Caoimhghín Ó Caoláin.]

lives, to accept the promise that the Government and the services will look more favourably on their needs in the coming year?

**The Taoiseach:** Thankfully, day care facilities in most of the former health board areas have very good accommodation. I have visited many health care units throughout the country, new and old, which are well staffed and provide recreational, medical and, in many cases, meal services during the daytime. These services are being extended every year.

The Government is spending €1 billion per year on the care of the elderly, which is a significant amount. There is a capital programme in each region, which includes allocation for the costs associated with such programmes, although I do not have details on individual programmes. Resources are being constantly expanded and extended. Each year we try to improve services and bring more on-stream, in the rural heartlands as well as the cities. We will continue to do so. If the Deputy wishes to provide me with the details of the centre in Cootehill, I will get somebody to look at the matter.

**Mr. Carey:** Perhaps Deputy Ó Caoláin might instruct Sinn Féin representatives in Finglas to stop opposing the building of a centre for older people.

**An Ceann Comhairle:** There is no provision for Members other than Deputy Ó Caoláin and the Taoiseach on this question. Deputy Ó Caoláin, without interruption.

**Caoimhghín Ó Caoláin:** I welcome the fact the Taoiseach has invited a submission on the specific case to which I refer. I take this opportunity not only to appeal in regard to the Cootehill case but all cases, because, while capital provision has been provided, running costs must also be provided. In the case of the centre at Cootehill, which has a staff allocation of 5.8 by HSE assessment, estimated running costs are of the order of €273,000 in a single year in regard to the provision of staff and all other necessary resources.

Is the Taoiseach aware the HSE primary, community and continuing care services section stated that because the Government has ostensibly prioritised the ten-point plan regarding accident and emergency services and the allocation of further investment in the disability services in the current year, it is not in a position to provide for the up and running status of centres such as the Cootehill centre? Does he accept that today, on the first day of the sixth month of the year, it is hard to see how such commitments, important priorities though they are, could have left parked the important resourcing and staffing of these centres?

The commitment of whole communities, which have laboured to put the bricks and mortar in place over many years, to continue to give volun-

tary service to these centres needs to be met by the Government. It is incumbent on Government to respond positively and immediately. If we continue to put this off, year in and year out — there has been a three year delay in regard to the example I gave — how many of those senior citizens, who have laboured, campaigned, lobbied and raised funds through the years, will never see up and running the fruits of their labour, and will never get the chance to enjoy a day care centre in their community? We need to act now. That is my appeal.

**The Taoiseach:** I have no argument with continuing the provision of day care centres. As I stated, we spend €1 billion annually on the care of the elderly. Every year, we have increased resources in this area and opened more care centres and community centres. Many of these are helped by excellent voluntary community workers, who raise funds and give assistance, sometimes by providing land. All of these services are greatly appreciated and help to provide the service.

The capital programme in health has been allocated €600 million for this year. We are constantly providing new and additional services for senior citizens, including longer hours, in complexes and adjacent to health centres. I am sure all of us, as public representatives, attend openings and meetings to lobby for staff and improved services. The situation is improving and I accept this must continue. The Deputy's point is that we should continue to do that, and we will.

## Ceisteanna — Questions.

### Dublin-Monaghan Bombings.

1. **Mr. Kenny** asked the Taoiseach the remit and projected cost of the proposed commission of inquiry into the Dublin and Monaghan bombings of 1974; and if he will make a statement on the matter. [15897/05]

2. **Mr. Rabbitte** asked the Taoiseach the remit and estimated cost of the proposed commission of inquiry into the Dublin and Monaghan bombings; when he expects the commission to be operational; and if he will make a statement on the matter. [17972/05]

3. **Caoimhghín Ó Caoláin** asked the Taoiseach the terms of reference of the McEntee investigation; and if he will make a statement on the matter. [18086/05]

4. **Mr. Sargent** asked the Taoiseach the remit of the proposed commission of inquiry into the Dublin and Monaghan bombings of 1974; and if he will make a statement on the matter. [18373/05]

**The Taoiseach:** I propose to take Questions Nos. 1 to 4, inclusive, together.

The remit of the commission of investigation is set out in the terms of reference which were published in *Iris Oifigiúil* on 13 May 2005. The estimated legal fees, salaries and other administrative costs for the commission were also published in *Iris Oifigiúil* on the same date. The estimated total cost is €604,880 for a six month period. This does not include any third party costs that may be awarded by the commission. Section 24 of the Commission of Investigations Act 2004 makes it clear that there is no absolute entitlement to pay third party legal costs. Such costs will only be payable on foot of a direction from the commission as provided for in that section.

Public notices were placed on various dates from the week beginning Monday, 23 May 2005 in Irish national newspapers and selected newspapers in the UK, Northern Ireland and County Monaghan, indicating how the terms of reference may be accessed and giving contact information for the commission. The commission is based in offices in Dublin Castle and it is supported by one senior counsel and three civil servants seconded from my Department. The advice of the Attorney General has not been sought with regard to the possibility of taking a case to the European Court of Human Rights.

**Mr. Kenny:** I thank the Taoiseach for his reply. There is one more report due from the Barron inquiry relating to the Dundalk, Castleblayney and Miami Showband atrocities. Does the Taoiseach know when he might receive that or when it will be presented to the House? Now that Prime Minister Blair is once more installed in Downing Street, will the Taoiseach again raise the matter with him? Will he impress upon him the necessity for full British co-operation in terms of information required by Mr. Justice Barron?

**The Taoiseach:** The report on Seamus Ludlow is now with the Government and we are checking what must be redacted for legal reasons. However, as with all other reports, we must try to avoid changing anything that is not absolutely necessary.

The Deputy is correct in that there is one remaining report which contains a number of issues. That will be available this month, or at least by the summer break, and will be sent to the relevant committees. I hope to resume the campaign this month with a new Secretary of State — the fifth so far — with regard to these issues, as well as with Prime Minister Blair.

**Mr. Rabbitte:** From his discussions with the Prime Minister, the Taoiseach's judgment is that he is not forthcoming in terms of the establishment of a Weston Park type of inquiry in his jurisdiction. If this is the Taoiseach's assessment, are there any circumstances where he would be prepared to take the advice of the law officer to the State in terms of whether a case against the UK Government ought to proceed in the European Court of Human Rights?

**The Taoiseach:** As per the Official Report, I said some weeks ago in the House that I would make another attempt. I should not be pessimistic but the Deputy correctly reads my mind. I will try once more, but will not do so again after that. I will then seek advice as to how we should proceed. My reason for being pessimistic is not because of Prime Minister Blair or any of the British Secretaries of State and Ministers with whom I have dealt. However, this is an extraordinary and difficult position. I have tried for a long time as have successive Ministers for Foreign Affairs, the former Chief Justice, Mr. Liam Hamilton, and Mr. Justice Barron. We will make one more attempt with the new British Government, but if it is not forthcoming I will then seek legal advice.

**Caoimhghín Ó Caoláin:** On the last occasion the Taoiseach responded to these related questions, 11 May, he expressed some pessimism with regard to how far he might get with the British Government in seeking the truth about collusion. He also indicated he would be holding his first meeting on the issue of the Dublin-Monaghan bombings with the new Secretary of State, Mr. Peter Hain, in the subsequent week. Is the pessimism voiced on 11 May in any way different now? Did the new Secretary of State give him any greater hope than that expressed by the Taoiseach on 11 May? Does he hold out any prospect of the British Government co-operating in terms of the establishment of a full inquiry, either by the British Government or by both Governments in a cross-jurisdictional sense?

The Oireachtas committee presented a fall-back option in the event of the British Government continuing to refuse to establish an inquiry. Can the Taoiseach clarify the position that he outlined in his opening response regarding recourse to the European Court of Human Rights? This is the preferred option of the survivors and relatives of the victims of the Dublin-Monaghan bombings of 17 May 1974. There is a concern within Justice for the Forgotten regarding time restrictions which may close this avenue unless the project is pursued with some haste.

**The Taoiseach:** I have always followed the wishes of the Oireachtas in this matter since establishing an investigation some years ago and have kept track of the issues since. It was the Oireachtas which stated that we should look to the European Court of Human Rights if we do not get anywhere with regard to the matter. I wrote to Prime Minister Blair before the election and outlined that I would pursue the matter one more time, as had been discussed here in the House. A new Government is in place and we should give it one more try. However, I understand the system far better than I did years ago. I will try, but will pursue the other option if I do not succeed.



**Caoimhghín Ó Caoláin:** Can the Taoiseach tell us about his meeting with Mr. Peter Hain?

**The Taoiseach:** Most of our discussion was not about this issue. I focussed my attention on the Finucane inquiry. The Inquiries Bill was passed through Westminster before the election. As Deputy Rabbitte said, it is not in line with the Weston Park inquiry or with what some eminent members of the British Judiciary think is acceptable or with what Judge Corry stated in his letter. I have continued to pursue the matter and took the opportunity in that meeting to express our view on that investigation, and have also done so publicly. Unless the investigation is amended in some way I do not see how it can proceed. I made it clear to Mr. Hain that I cannot see how we can get a satisfactory outcome unless the British Government puts its mind to the matter. In fairness to Mr. Hain, he was only new to the job, but I wanted to make it absolutely clear that, regardless of what he hears from the Northern Ireland Office, our view is that it is not a satisfactory way of proceeding and that the British Government must find another way. Otherwise it could spend much time and money on something that will not satisfy anyone in this House, the Finucane family or the enormous international lobby which has followed this case for 16 years.

**Mr. Sargent:** I hope we can avoid repetition given that we dealt with the same questions some weeks ago on 11 May regarding whether the Government is prepared to take legal action against the British Government for non-co-operation over this matter in the European Court of Human Rights. The Taoiseach indicated on that date that he needed to take legal advice as to how to pursue the matter but that he was prepared to follow up on it. On the basis of that answer, how far has the matter progressed since then? Has there been any extensive discussion with the Attorney General on the matter? What was the conclusion of the discussion?

On 24 May, *The Irish Times* cited a figure of €600,000 as the cost of the independent inquiry. Can the Taoiseach clarify that matter, particularly with regard to how the money will be spent? Whose legal fees will be covered? The families are anxious to know if there will be provision for their legal fees also if they are involved.

**The Taoiseach:** As I said, I have not met Prime Minister Blair since I put that on the record of the House. I met the Secretary of State and made their views clear again but I am waiting until we have that meeting. It might be a few weeks before I have that meeting, which is on European matters, although there may not be a meeting on Northern Ireland.

**Mr. Sargent:** What about the Attorney General's advice?

**The Taoiseach:** It is only when I finish that process that I will seek the Attorney General's advice but if we get nowhere on this final attempt, I will pursue that line.

**Mr. Sargent:** The cost is €600,000. Is that for—

**The Taoiseach:** The estimated cost is €600,000.

**Mr. Sargent:** For whom?

**The Taoiseach:** The €600,000 is the estimated cost for legal fees, salaries and administrative costs for the commission for a six month period. That is for the commission headed by Mr. McEntee SC.

**Mr. Sargent:** What about the families' costs?

**The Taoiseach:** The figure does not include any third party costs that may be awarded by the commission. Section 24 of the Commission of Investigation Act makes it clear that there is no absolute entitlement to pay third party costs. Such costs will only be payable on foot of direction from the commission as provided for in that section. It is a matter for the sole chairman of the commission. It is not included in the €600,000.

**Mr. Costello:** The Taoiseach has indicated that it will be at the discretion of the commission to pay third party costs subsequently. We are talking about relatives and survivors who have been victims of this tragedy. Will they have to employ their own legal representation to participate in this investigation and then await the outcome of the decision on costs? This matter has given rise to great concern in other quarters but in a case like this, which is so clear-cut, costs should be paid at the same time as they are being legally represented rather than leaving it open to difficulties arising later regarding costs for a third party who must be central to the inquiry?

In that respect, some difficulties arose with the Justice for the Forgotten group regarding the terms of reference. Will the Taoiseach indicate if those difficulties have been addressed and whether meetings have taken place between the legal representatives of Justice for the Forgotten and the chairman of the commission, Mr. McEntee?

In terms of what we will do in the future, the Taoiseach indicated that he was in favour of fully implementing the recommendations of the Joint Committee on Justice, Equality, Defence and Women's Rights, which led us to the next step of the European Court of Human Rights. He is fairly pessimistic about that because his past experience has been negative. Our experience has been negative also. That is the reason we made that particular proposal. Eighteen months will have passed by the time we come back to this issue in the autumn.

**An Ceann Comhairle:** A question please, Deputy.

**Mr. Costello:** Will the Taoiseach instruct the Attorney General to begin to prepare the case for the European Court of Human Rights in light of the answers he has got in the past and the likely answers he will get in the future?

**The Taoiseach:** As the Deputy is aware, we have tried in a substantial way to help the legal representatives, families and Justice for the Forgotten. Another €30,000 is being processed in my Department to help them in respect of the group's engagement with the Oireachtas committee and Mr. Justice Barron's report. We have tried to help them all along for the reasons the Deputy correctly outlined.

The inquiry is a matter for the sole member of the commission. There is no question of the families not co-operating because they have been co-operating. That is a matter for him to take up with the sole member but there is no question of the families not co-operating because they are doing everything to co-operate. The question of interaction with the survivors and the victims' relatives is now for the sole member, Mr. McEntee SC, who is completely independent on this issue. Those matters will be dealt with and their legal team can talk to him. I readily admit that their initial reaction to the terms of reference was not 100% positive but the purpose of the commission is to investigate the facts and get to the truth in an efficient and timely manner. I hope, therefore, that they co-operate fully. I accept the Deputy's point that there should not be a long delay, and I will not delay. If it is clear to me when I have the meeting with Prime Minister Blair this month that we are going nowhere, I will take the action and move on immediately.

#### **Benchmarking Awards.**

5. **Mr. Kenny** asked the Taoiseach the projected cost to his Department of the impending payment of the final phase of the benchmarking award; and if he will make a statement on the matter. [15900/05]

6. **Mr. Sargent** asked the Taoiseach the cost implications for his Department of the payment of the final phase of the benchmarking award; and if he will make a statement on the matter. [18375/05]

**The Taoiseach:** I propose to take Questions Nos. 5 and 6 together.

The cost of the next phase of the benchmarking award to my Department, payable in June 2005, is estimated at €150,000. This increase has been calculated in accordance with Department of Finance guidelines and all staff under the grade of Assistant Secretary level are eligible to receive the benchmarking increase.

Under the terms of Sustaining Progress, the pay increases recommended by the Public Service Benchmarking Body, and payable from 1 June

2005, are conditional on delivery of real and verifiable outputs in relation to modernisation and flexibility. The key mechanisms for monitoring overall progress in this regard are reports on action plans prepared by individual Departments and offices, a general review by the Department of Finance and verification by the Civil Service performance verification group. I understand the performance verification group has completed its deliberations and has concluded that the progress achieved warranted payment of increases from 1 June to the grades concerned in my Department.

**Mr. Kenny:** Will the Taoiseach consider carrying out a survey of attitudes in the public service regarding morale, job satisfaction, the potential for advancement based on performance, the—

**An Ceann Comhairle:** This question refers specifically to the Taoiseach's Department.

**Mr. Kenny:** I understand that. Will he carry out a survey in his Department on job satisfaction, morale, the potential for advancement based on performance, the promotion of less talented individuals based solely on seniority and recognition of work well done? Will he concede that, to an extent, benchmarking has failed to deliver the reform that rewards talent, improves morale and cherishes innovation? In respect of his Department, does the Taoiseach consider that acuity recognition should be inherent in the benchmarking system? In other words, if persons who are generally in the category where benchmarking can be paid, and depending on the seriousness of their sense of responsibility, there would be a relative award for that. It is striking that in the health area, where nurses in surgical wards, for instance, deal with life and death issues and work under pressure every day in terms of making decisions, the structure of payment across the board is the same. For example, if persons with very responsible positions in the Taoiseach's Department make a mistake, the Taoiseach or the Government could be seriously embarrassed. Will the Taoiseach agree that there should be that kind of acuity recognition and does he believe the benchmarking system should take account of that? I have put the question in that way because I am restricted by the Ceann Comhairle's vigilance in preventing me from asking about the public service in general.

**An Ceann Comhairle:** It is not the vigilance of the Chair. The Deputy read the questions and saw that they refer to the Taoiseach's Department.

**Mr. Kenny:** I did, yes.

**The Taoiseach:** In terms of what has been happening in the whole modernisation process in the public service, surveys are being done now and people involved in that modernisation process are giving their views. Staff are involved in the change of structures, work practices and the prep-

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 aration of the various documents across Departments. In my Department I am aware there is satisfaction and an engagement with this process. It is far better than it was some years ago. Looking at the strategic management initiative from the outside and all the issues that came out of that, it is working in the Civil Service and people are engaging in the job they are doing and preparing the action plans. In terms of benchmarking the merit award system, which has been examined, seems to be very difficult to operate. My Department is just one part of a workforce of 30,000 people. Even though it has been used in small amounts the merit system is not a system that works well. Benchmarking is far better than the old analogue system. In the old system if one person received an award eventually all others would receive the same award, whereas in benchmarking one examines individual grades. Under the performance verification groups it does not follow that all grades will get the same increase.

In the case of people working in intensive care the Deputy will be aware that there are allowances for people with nurse's duties, allowances for experience and allowances for additional courses and qualifications. If these do not apply benchmarking can identify this grade as one with more responsibilities and with work that involves matters of life and death, and payments can be made on that basis. The last time around the difficulty with benchmarking was that in similar institutions some people received an increase of 15% or 16% and others received nothing. We are going to see more of that and I think it is good. The case has to be made for grade and area responsibility.

**Mr. Allen:** It would be great if we knew how these decisions were arrived at.

**An Ceann Comhairle:** The question was asked by Deputy Kenny.

**The Taoiseach:** I am in favour of the process being as open as possible as this avoids problems and arguments and the situation where I or anyone else have to defend the decision. The only argument made against this was that information on comparable grades was received from a considerable amount of people in the private sector, perhaps 25,000. As benchmarking was carried out across an enormous amount of people there was reluctance to put this information in the public domain for reasons of privacy. That was the reason given as to why the information could not be delivered.

**Mr. Sargent:** My question arises from the new review announced in April. I understand the Government asked for an interim report in June if any anomalies were found that would have to be addressed. Does the Taoiseach expect a report this month, and have cost implications of such a review been included in figures in his Depart-

ment? Is there a way to answer questions on productivity in a definite way? Can specific, agreed increases in productivity be indicated? Will the interim review be published this month?

**The Taoiseach:** In my Department there is no difficulty. In other Departments I think there are areas of difficulty. In my Department I can point to an area of productivity. In the period of benchmarking we have had to take a 4% cut in salary and a 4% cut in numbers. The Department will achieve the target and additional functions and work will have to be taken on in a number of areas. That work has been done, I am assured, with no diminution in service.

People have taken on extra work, and have changed functions and responsibilities. This has taken place across the public service. Now there is far more engagement with the public and with clients and there are different means of access. It is working well. In other Departments, about which I cannot talk, there have been extraordinary productivity gains, which unfortunately do not get into the public domain. This may be the fault of the Department or of the system but there are excellent examples. When these see the light of day, in fairness to civil servants, it will show that significant productivity increases have taken place in many of these areas.

**Mr. Rabbitte:** Does the Taoiseach think the abandonment of the pay determination system and its replacement by benchmarking has been, and will be, a success? I was going to ask him about the point he mentioned, if there have been gains through modernisation, flexibility and productivity. One reads little enough about these in the public press and it would be advisable that this matter be ventilated in public, given the importance of the services provided by the Taoiseach's Department, the Civil Service and the wider public service. Does the Taoiseach see the interim report confirming that the 4% reduction to which he referred has been achieved across the area specified in the original agreement?

**The Taoiseach:** The answer to the last question is yes. Within the figures the MAC of my Department has the flexibility to try to rearrange things, seeing as the presidency came within the period to which the Deputy referred. In terms of achieving the bottom line figures, as has to be done in the report to the Department of Finance by every Department, this has been achieved. At the same time there are always new issues and work practices.

The other question across the Civil Service is that productivity has been quite extraordinary in many areas. I have many examples and Deputy Rabbitte is correct in saying that this information does not see the light of the public domain. In fairness to the public service I have seen issues in the Department Social and Family Affairs, such as turning around claims, and in other Depart-

ments and there has been a large gain. The beneficiary has been the public and this is what it is all about.

As the Deputy will recall from both our previous lives, I never liked the analogue system. I thought the system was like a sausage machine, rolling out the system and on it went. There were no benefits for anyone and what one person received the next person received and on it went. The only confusion was what round and what claim one was on. I am not saying benchmarking is perfect but it has the potential to examine grades and responsibilities where a good job is being done and where people are genuinely trying to make productivity changes.

As we all know there are always better ways of doing things and the people who know that are the people doing the tasks. If they consider it and if there is an incentive they will see a way of doing it. We can get rid of many things that do not need to be done. This is now being challenged in the system. Just because an Act passed this in House in 1942 why should people be doing a particular thing in 2005? If one stops and thinks about it they should be doing something else that is more useful, such as some of the things we talked about earlier this morning. The new system allows for this and there needs to be a challenge to the system so some section is not merrily continuing to do something for the sake of it when it is useless to do so. Nobody wants to be doing that job and benchmarking allows for that in an extraordinary way.

I will give one example, using disability benefits. From staff organising revised procedures the number of cases processed in three days was increased from 3% in 2003 to 29% in 2004 to 32% in 2005. With a bit of imagination, when the staff were left to it, they were quickly able to find huge productivity. That is the success of benchmarking and there are many examples, both in my Department and other Departments.

**Caoimhghín Ó Caoláin:** Approximately, how many civil servants in the Department of the Taoiseach are in the lowest grades? To what extent, if at all, has benchmarking impacted on their circumstances? Does the Taoiseach envisage a further benchmarking process after the final phase of the current benchmarking arrangements has been paid?

**The Taoiseach:** Staff of all grades have benefited from the various increases given from 2001. Although I do not have the breakdown of figures for my Department, all staff benefited to a certain extent. The benchmarking process has worked well for them all, including people in lower grades. The benchmarking group is due to meet again later this year, at the end of this process, and its report is due in the first half of 2007.

#### **Computerisation Programme.**

7. **Mr. Kenny** asked the Taoiseach if he will report on progress in the implementation of the

e-Cabinet project; and if he will make a statement on the matter. [15901/05]

8. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the progress made to date with regard to the implementation of the e-Cabinet project; and if he will make a statement on the matter. [17973/05]

**The Taoiseach:** I propose to take Questions Nos. 7 and 8 together.

The main phase of e-Cabinet has been in operation across all Departments and ministerial offices since the middle of last year. It was introduced at Government meetings at the end of 2004. At an official launch in February 2005 the Government Chief Whip and Minister of State with responsibility for the information society, Deputy Kitt, signalled that milestone.

The benefits of e-Cabinet are already being felt. It enables instant, secure transmission of Government memoranda at draft and final stages. This means that Cabinet procedures, such as advance consultation with concerned Departments on particular proposals, can be implemented quickly and efficiently. Manual transmission of those memoranda has virtually ceased, along with all its limitations.

Improvements continue to be made in how information is being presented in the new electronic format so that key information can be highlighted. This is a valuable support for everybody involved — officials and Ministers — and is carried right through to Government meetings.

Some further phases of the project are due to be completed in the course of this year. My Cabinet colleagues and I are impressed with what the system has delivered to date. I am also pleased that it is being delivered within budget. It is an innovative project that is now beginning to attract considerable international interest from others who wish to make the best use of technology to support similar processes.

**Mr. Kenny:** I note that Accenture's sixth annual report on global e-Government places Ireland at 14th place along with five other nations. That gives us the category of follower in terms of overall e-Government service maturity. What is the position regarding the public service broker or PSB as it is called? I understand this is a computer infrastructure project that will allow Departments to interact with each other and with the public. It would allow Departments to link up their various disparate computer systems, which would provide citizens with an integrated and efficient point of access to Government services. Where do we stand on that? Has this PSB gone live? What is the opportunity for citizens to be able to make contact in that sense? Where are we in terms of Government computer systems being integrated along the lines of the Accenture report?

**The Taoiseach:** The plan to link disparate systems that were unable to talk to each other —

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to use their own lingo — is almost complete. The current process of e-Government has already been completed because the whole system had to be integrated. The Deputy's question relates to broader computer systems and ensuring that each Department and agency is purchasing and using compatible equipment. The e-Cabinet project, which is linked to every Department, section and agency, is totally compatible. The advantage is that there is instant use of any information from a Department's IT section to the Government secretariat, involving documentation such as memoranda with which we are familiar. That is the benefit of the system. The Deputy's question related to the wider computer system for which the planned integration is well advanced. My understanding is that it will be completed this year.

**Mr. Rabbitte:** It is all above my head.

**Mr. Durkan:** To what extent will e-Government extend to subsidiary agencies, such as health service executives and local authorities, if that is what is intended?

**The Taoiseach:** To the best of my knowledge, local authorities are already using the e-Government system.

**Mr. Durkan:** One would not think so to listen to them.

**Mr. Stagg:** They spend more on computers than roads.

**An Ceann Comhairle:** Please allow the Taoiseach to continue without interruption.

**The Taoiseach:** South Dublin County Council is certainly well advanced in this respect.

**Mr. Rabbitte:** A leading player.

#### **Requests to Move Adjournment of Dáil under Standing Order 31.**

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

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of major national importance, namely why independent consultants hired by the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to review the safety of the Corrib gas onshore pipeline, are part-owned by the project's major shareholder, Shell. It would be better to defer any decision to grant consent to install and commission the Corrib gas pipeline in the interests of the health and safety of the Erris residents. The only option available is an offshore oil terminal.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely the urgent need for the Government to implement the Carers Association's national strategy for carers. Some 150,000 carers currently work more than 3 million hours each week, resulting in savings to the Exchequer of up to €2 billion annually.

**Mr. Boyle:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance, namely that the Taoiseach or the Minister for the Environment, Heritage and Local Government make a statement to the House in light of media reports that the Cabinet has made a decision to provide public money to facilitate the construction of incinerators here.

**Mr. Cuffe:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a specific and important matter of public interest requiring urgent consideration, namely the recent EURO-STAT report that draws attention to Ireland's sub-standard record on waste and other environmental issues.

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

#### **Order of Business.**

**The Taoiseach:** It is proposed to take No. 20, Grangegorman Development Agency Bill 2004 — Report Stage (resumed) and Final Stage; No. 21, Maritime Safety Bill 2004 [*Seanad*] — Second Stage (resumed); and No. 22, Driver Testing and Standards Authority Bill 2004 — Second Stage (resumed). Private Members' business shall be No. 49, motion re nursing homes (resumed), to conclude at 8.30 p.m.

**An Ceann Comhairle:** There are no proposals to put to the House.

**Mr. Kenny:** The Taoiseach provided a number of replies earlier in respect of legislation on nursing homes. Would it be possible to re-prioritise that matter? Last year, we had seven examples of emergency legislation introduced by the Minister for Justice, Equality and Law Reform, and other Ministers did so also. It appears that if real priority is accorded to some legislation it can come before the House. I do not know the difficulties the parliamentary draftsman is having with this legislation, but in view of the national concern about this issue can something be done urgently to introduce the Bill? I am sure Members of all parties will be willing to support the Government in establishing the proper legislative framework to avoid a continuation of such a scandal.

**An Ceann Comhairle:** The Deputy has made his point.

**Ms McManus:** I raised this issue yesterday and felt the Taoiseach was not very clear in his understanding of the importance——

**An Ceann Comhairle:** The Deputy must ask about legislation. There is no need for a discussion in advance. There will be an opportunity tonight during Private Members' business.

**Ms McManus:** I am not having a discussion. The proposed legislation is made up of two parts. One is the health information equality authority Bill, which includes the inspectorate. In view of the Taoiseach's current understanding, which I presume has increased as a result of the great public concern about the need for an inspectorate, will he introduce legislation now, solely with regard to the inspectorate, before we rise for the summer recess, even if must delay the date of rising? Will he thus ensure the inspectorate is in place before the House rises? The health Bill could be taken in the autumn.

**An Ceann Comhairle:** The Deputy has made her point.

**Ms McManus:** That would be an appropriate way to deal with this matter of major public concern.

**Mr. Sargent:** The public awareness and outrage over this matter indicate a demand for legislation. I hope that all in this House recognise the need to respond practically, with legislation, and if necessary a Supplementary Estimate if the Health Service Executive does not have the spare bed capacity, if it closes a nursing home.

**An Ceann Comhairle:** The Deputy has made his point.

**Mr. Sargent:** We need legislation on the matter. If a Supplementary Estimate is needed, will it be available?

**Caoimhghín Ó Caoláin:** I join other Deputies in asking the Taoiseach and the Minister for Health and Children to heed the outrage of the community and put in place before the summer recess emergency legislation to establish an independent inspectorate for nursing homes. This is a matter of life and death, and we earnestly appeal to the Taoiseach to respond.

**The Taoiseach:** The health Bill, which is to provide for the establishment on a statutory basis of the health information equality authority and the Irish social services inspectorate, also covers a statutory framework for the handling of complaints within the health services. It takes account of the review of the Health (Nursing Homes) Act 1990 and the 1993 regulations, and of the efforts made within the HSE since it took over at the beginning of the year to integrate the ten systems which were in existence and see how this will best

work in future while operating independently of the HSE.

Therefore, it concerns many policy issues and reviews. I understand the concern of Deputies but it is not a question of racing on with legislation. The issues must be thought through. Hopefully, all the work will be finished so the Bill will come before the House on our return. It is not a question of a Bill which the Office of the Attorney General can draw up overnight. I have talked to people concerned and they have advised me this is the position. Hopefully we will have the Bill before the House in the autumn.

**Mr. Rabbitte:** Given the response of the French people to the EU constitution referendum, and in anticipation that the Dutch will follow suit, will the Taoiseach say if, in terms of publication and the consideration of the referendum Bill in the House, there is any reconsideration going on in Government about the position we have now reached?

**Mr. J. Higgins:** Considering that the French working class has dealt a body blow to the EU constitution because of its neo-liberal thrust, will the Taoiseach accept that the constitution is dead in the water? To repeat Deputy Rabbitte's question from a different perspective, does the Government propose to postpone the legislation which was to be brought before the House before the summer recess?

**Mr. Sargent:** Can I ask the Taoiseach——

**An Ceann Comhairle:** The Deputy must be brief. We will not have a debate. The Chair has tried to be flexible this morning but clearly that approach has not worked.

**Mr. Sargent:** Will the Taoiseach indicate if he is approaching this issue from the same point of view as that of the British Prime Minister, recognising that the EU constitution is dead in the water?

**An Ceann Comhairle:** That does not arise.

**Caoimhghín Ó Caoláin:** The Government has published a Bill to amend the Constitution to incorporate the draft EU constitution. In the context of the French people's decision to reject that constitution, and the likely rejection in the Netherlands when the Dutch people vote today, is the Taoiseach still determined to put what amounts to a dead duck in the Constitution?

**The Taoiseach:** The referendum is being held in the Netherlands today and the issue will be discussed at a meeting of the European Council in two weeks' time. I will not make any reconsideration until I have heard what all our EU colleagues have to say. I will then report to the House.

**Mr. Broughan:** One of the Ministers knows the facts.

**Mr. Durkan:** We have had the \$50 million man, by way of a Minister. We have had the Red Cow roundabout, and we have had the small tunnel for big trucks.

**An Ceann Comhairle:** Has the Deputy a question appropriate to the Order of Business?

**Mr. Durkan:** This is about legislation. Could the invisible man, the Minister for Communications, Marine and Natural Resources, attend the House to bring forward the legislation he has removed from the Order Paper, the Postal (Miscellaneous Services) Bill? I hope the Taoiseach will not be invisible now, like the invisible man.

**Ms McManus:** He is incommunicado.

**Mr. Durkan:** Did we offend him? Was it something we said?

**The Taoiseach:** That Bill has been taken off the list.

**Mr. Durkan:** Everything has been taken off the list. This is important legislation and should be brought in now.

**Mr. Howlin:** I wish to raise an issue regarding secondary legislation. Last Thursday, the Sea Fisheries (Conservation and Rational Exploitation of Scallops) Regulation SI 245 of 2005, appeared on the Order Paper in the non-statutory section. I asked two questions then and was promised answers. I asked why these regulations appeared in the non-statutory section of the Order Paper and also if there was an awareness in Government that these regulations will devastate the scallop fishing community in Kilmore Quay.

**An Ceann Comhairle:** The Deputy may not discuss the content of the regulation.

**Mr. Howlin:** I asked for a debate on this regulation. The Minister for Finance, who was taking the Order of Business last Thursday, promised to discuss the matter and revert to me. The regulation has caused untold anger and frustration in the fishing port of Kilmore Quay.

**An Ceann Comhairle:** We cannot have a debate on the matter now.

**Mr. Howlin:** I presume the Taoiseach has heard about the matter from the Minister for Communications, Marine and Natural Resources, who this morning said there is no money or compensation available for a community which will be devastated.

**An Ceann Comhairle:** The Deputy has made his point. We cannot debate the issue now.

**Mr. Howlin:** Will a debate be allowed in the House before that statutory instrument has that catastrophic effect?

**The Taoiseach:** There is no debate promised, though the Whips may consider the matter. The Minister met Deputies this morning regarding the issue, and the position is as Deputy Howlin outlined.

**Mr. Crawford:** In light of the ongoing difficulties regarding nursing homes and accident and emergency services, when will the nurses amendment Bill be brought before the House so we may discuss these matters? In light of the threatened privatisation of Loughan House, when will the prison service Bill be brought to the House so we may discuss that issue?

**The Taoiseach:** I have no date for the introduction of the nurses amendment Bill, which will update the provisions relating to the regulations for nurses and midwives, nor for the prison service Bill, though the legislation is being prepared.

**Dr. Cowley:** The investigation by the Health and Safety Authority into the tragic deaths of five teenagers in County Meath is welcome, but it has refused to investigate the death of another child.

**An Ceann Comhairle:** Has the Deputy a question appropriate to the Order of Business?

**Dr. Cowley:** Will appropriate legislation be introduced to ensure the Health and Safety Authority will investigate the death of a young person in Mayo as a result of road conditions? The HSA can carry out the investigation in Meath but not one in Mayo.

**An Ceann Comhairle:** I suggest the Deputy submits a question.

**The Taoiseach:** There is a health and safety Bill currently before the House, though I am not sure which Stage it is at.

**Mr. Broughan:** I support the remarks made by my colleague, Deputy Howlin, regarding the fishermen of Kilmore Quay and Dunmore, and the deal done before Christmas by the Minister of State, Mr. Gallagher, which has left those fishermen struggling to make a living.

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

**Mr. Broughan:** I want to ask about legislation. I understand the Fisheries (Amendment) Bill must be brought to the Dáil in the next 25 to 30 days in an emergency manner. We have had much emergency legislation this year and we have

been asking for more. Is it the case that if we do not introduce the Fisheries (Amendment) Bill in the next few weeks, we will not be able to license all our sea-fishing boats and —

**An Ceann Comhairle:** We cannot discuss the content of legislation.

**Mr. Broughan:** This is a Government of emergency legislation. Nothing seems to be planned and we do not seem to have any carefully planned approach to business.

**Mr. Howlin:** The people of Kilmore Quay will be devastated by the statutory instrument.

**An Ceann Comhairle:** Allow the Taoiseach to answer the question.

**Mr. Howlin:** People's houses are on the line.

**The Taoiseach:** The Maritime Safety Bill will be in the House today.

**Mr. Boyle:** We were reminded that it is ten months since the publication of the first interim report of the Morris tribunal. Will the Taoiseach explain why there is a reluctance to debate this report in the House? Will he indicate whether time will be made available in the near future for such a debate?

**The Taoiseach:** I understand the Minister for Justice, Equality and Law Reform is quite happy to have a debate on it.

#### **Grangegorman Development Agency Bill 2004: Report Stage (Resumed).**

**An Ceann Comhairle:** Before we commence I wish to bring to the attention of Members an error in the published list of amendments. In the Minister's amendment No. 66 the words "as far as reasonably practical" should not appear. It is a typographical error and should be removed.

Amendments Nos. 44, 45, 47 and 48 are related and will be discussed together by agreement. Is that agreed? Agreed.

**Minister for Education and Science (Ms Hanafin):** I move amendment No. 44:

In page 11, line 3, after "located" to insert "and on a website".

Deputy Enright raised the possibility of publishing details of the strategic plan on a website. I undertook on Committee Stage to examine the possibility of requiring the agency to publish information received on a website. I intend that the draft strategic plan and any submissions or observations on it will be published on the Internet. Amendments Nos. 44 and 47 are designed to reflect this. Following discussion on this part of the Bill on Committee Stage, I have included amendments to provide for the publication of the strategic plan and any observations or sub-

missions received on the Internet. Therefore, I do not accept amendments Nos. 45 or 48.

**Mr. English:** I thank the Minister for that. I will withdraw amendments Nos. 45 and 48.

Amendment agreed to.

Amendment No. 45 not moved.

**Ms Hanafin:** I move amendment No. 46:

In page 11, line 15, to delete "Authority" and substitute "Agency".

This amendment corrects a typographical error. It deletes "Authority" and substitutes "Agency".

Amendment agreed to.

**Ms Hanafin:** I move amendment No. 47:

In page 11, line 22, after "appropriate" to insert the following:

“, and

(c) publish on a website any submissions or observations made to it under this subsection and not withdrawn”.

Amendment agreed to.

Amendment No. 48 not moved.

**Ms O'Sullivan:** I move amendment No. 49:

In page 11, line 26, after "plan" to insert the following:

“as well as any submissions or observations made to them”.

This amendment seeks to ensure that any submissions or observations made with regard to the strategic plan will also be considered, as well as the plan itself.

**Ms Hanafin:** All aspects of planning, together with the planning appeals from An Bord Pleanála, are provided for under the Planning Acts. That legislation also provides for the submission of observations to planning authorities and the board. Given that this is the responsibility of my colleague the Minister for the Environment, Heritage and Local Government, I do not consider it necessary to provide for it here. It would be wrong to do so.

Amendment, by leave, withdrawn.

**Ms Hanafin:** I move amendment No. 50:

In page 11, lines 48 and 49, to delete "Eastern Regional Health Authority" and substitute "Health Service Executive".

Amendment agreed to.

**Ms Hanafin:** I move amendment No. 51:



[Ms Hanafin.]

In page 12, line 5, to delete “Eastern Regional Health Authority” and substitute “Health Service Executive”.

Amendment agreed to.

**An Ceann Comhairle:** Amendments Nos. 52 and 86 are related and will be discussed together by agreement. Is that agreed? Agreed.

**Ms O’Sullivan:** I move amendment No. 52:

In page 14, to delete lines 37 and 38.

This amendment relates to whether the chief executive should also be a member of the authority. General precedent is that chief executives would attend meetings of the body of which they are chief executive, but that generally speaking they are not actually a member of the governing authority. There may be some exceptions to that general rule. This precedent is the reason I have submitted both of these amendments.

**Ms Hanafin:** The chief executive is an essential member of the agency. In other legislation under the Department of Education and Science where other bodies have been set up, for example, the higher and further training awards councils, HETAC and FETAC, and the National Education Welfare Board, the chief executive is actually a member of the agency. I do not propose to accept this amendment.

On amendment No. 86, with regard to setting up statutory boards, there must be clear lines between policy functions and executive functions — between the functions that a Minister retains and the functions of officers such as a CEO. Policy determination is a matter for the Minister and the Government and not a matter for the CEO of a State board. Therefore, it follows that a CEO has no role in criticising Government or ministerial policy. I cannot accept the amendment.

**Ms O’Sullivan:** There are differing practices with regard to whether chief executives are part of the governing authority. It would be more useful to have a separation between the executive and the body in charge so as not to blur responsibilities. I raised this amendment for the Minister’s consideration, but will not press it.

With regard to amendment No. 86, I feel strongly there should be an opportunity to express an opinion. For example, if the Joint Committee on Education and Science calls in chief executives on issues dealt with by this or any other agency or body, such as the Education Welfare Board or the new body being set up on special needs, it is better for democracy and the public interest if they feel they can voice their concern on an issue within the organisation about which they are concerned. They should not be muzzled. I am concerned that this is the intention in this section, not specifically with regard to this

body, but to general bodies under the aegis of a Department. It is healthy for a chief executive to be able to voice concerns on behalf of the agency.

**Ms Hanafin:** It is important to differentiate between the policy and the implementation of the policy. This section will not prevent the chief executive from mentioning that it is difficult for him to implement the policy, for example because he is not being given enough money to implement it. It will prevent him from questioning the merit of the policy, however, which is important. Ministers and chief executives have very distinct roles. Policy is made by Ministers, as members of the Government, and implemented by chief executives. This section will not prevent a chief executive from talking about the manner in which he is able to implement policy.

Amendment, by leave, withdrawn.

Amendments Nos. 53 and 54 not moved.

**An Ceann Comhairle:** As amendments Nos. 57, 58, 60 to 62, inclusive, 64, 71 and 92 are related to amendment No. 55, amendment No. 59 is an alternative to amendment No. 58 and amendment No. 72 is an alternative to amendment No. 71, amendments Nos. 55, 57 to 62, inclusive, 64, 71, 72 and 92 may be discussed together, by agreement.

**Ms O’Sullivan:** I move amendment No. 55:

In page 14, between lines 48 and 49, to insert the following:

“(a) one person nominated from Dublin Inner City Partnership,

(b) one person nominated from the North West Inner City Network,

(c) two persons representing local residents,

(d) one elected public representative being a member of Dublin City Council, nominated by Dublin City Council and who was elected as a member of Dublin City Council from the Grangegorman neighbourhood,

(e) one representative of trade unions/social partners whose members work within the DIT.”.

I will not pursue amendment No. 71, which lists the parts of Grangegorman in which local residents live, because the Minister clarified the matter by tabling an amendment and providing a map. The amendments before the House relate to the membership of the proposed Grangegorman development agency. Amendment No. 55 seeks to broaden its membership. I acknowledge that the Minister has successfully addressed some of our concerns about ensuring that residents are represented on the agency. She has provided that an elected member of Dublin City Council and a representative of the city manager will be on the

agency. I will withdraw amendment No. 59 because that issue has been addressed.

I am concerned that the local area should have wider representation. It is important that residents and community development organisations such as the Dublin Inner City Partnership and the North West Inner City Network, both of which are doing excellent work in the Grangegorman area, are represented on the agency. I will pursue amendment No. 55 on that basis.

Amendment No. 62 seeks to ensure that residents of the Grangegorman neighbourhood will nominate candidates for membership of the agency, rather than that they are selected by the city manager or anybody else. All the amendments before the House relate to the representation of local interests on the agency. We need to ensure that public representatives, local residents and representatives of the agencies working in the locality adequately represent such interests.

**Mr. English:** I agree with Deputy O'Sullivan's argument on amendment No. 62. The city manager should not be able to choose who to nominate as a candidate for membership of the proposed agency. The people living in the local community should be allowed to select their own representatives. Fine Gael has proposed amendment No. 57 because it believes the Dublin Institute of Technology, as a major stakeholder in the Grangegorman development, should be represented properly. It should be able to nominate three members of the agency because it will be the driving force behind the project. I will pursue the amendment because I believe DIT, as the major stakeholder, should have proper representation on the agency.

**Mr. Gregory:** I would like to speak about amendment No. 60, in my name, and the Minister's amendment No. 92, which seeks to introduce a new Fourth Schedule to the Bill. The Minister emphasised the role of residents yesterday. I fully support her argument that they be allowed to speak for themselves. The residents' associations, which have been discussing the redevelopment project at various meetings, are anxious to ensure they will be represented by two of the agency's 15 members. I will pursue amendment No. 60, which seeks to provide that two residents of the Grangegorman neighbourhood will be elected to the agency. The proposed Fourth Schedule to the Bill provides for a quite intricate manner of election of members of the agency. Given that the process of consultation with the many interested parties will be quite lengthy, it would be reasonable to allow for two residents' representatives.

When we discussed certain aspects of this matter yesterday, I said I felt that community development groups like the Dublin Inner City Partnership should have been consulted. The Minister responded by expressing her total opposition to such consultation. She emphasised the pre-eminence of the residents, which I fully sup-

port. In that context, I have some queries about the proposed Fourth Schedule. The Minister may intend that all the registered groups in the Grangegorman neighbourhood will be residents' groups, but the manner in which that is expressed in amendment No. 92 is quite vague. Under the proposed Fourth Schedule:

the chairperson of the Agency shall invite community groups and associations, including resident and tenants associations, parish and district associations and groups, sports clubs, and similar non-commercial groups in the Grangegorman neighbourhood, to register as an interested 'registered group'.

I am not sure what is meant by the use of the word "group" in each one of those instances. What are "similar non-commercial groups"? If I understand the logic of the Minister's comments yesterday correctly, the election of the residents' nominee will be arranged in co-operation with the residents' associations in the Grangegorman area. I do not suggest that anyone else should be excluded, but am simply trying to clarify what the Minister said. She is so interested in the residents that she proposes to exclude community development groups from the consultation process. Her amendment refers to a range of vague and badly defined groups that will be able to participate in the process of electing a person to the agency. It does not make any sense to me.

A Pandora's box may be opened when the unfortunate chairperson of the agency, following his or her appointment, has to try to make contact with a myriad of ill-defined groups. I ask the Minister to examine this matter again. She needs to define the precise nature of the groups that will be involved in this process. I appreciate that the Bill provides that the person who will be elected by the groups in question will have to be a resident of the Grangegorman neighbourhood and be on the electoral register in the Grangegorman area. I fully support that provision because it would be nonsense if it were not in place.

I support the general thrust of what the Minister is trying to do. I appreciate that the contents of the Fourth Schedule probably emerged from meetings called to ensure that the residents' representative on the agency will be elected in a democratic, transparent and open manner. I have no problem with the well thought-out, open and democratic arrangements decided on at such meetings. I do not think the provisions in question are entirely in line with the comments the Minister made yesterday, however.

I ask the Minister to clarify what is meant by phrases in the proposed Fourth Schedule like "similar non-commercial groups", "community groups" and "associations and groups". Why has she decided to use such vague terms? We need to ensure that people who are resident in the Grangegorman neighbourhood, are on the electoral register in the area and have a record of involvement in the community take part in the

[Mr. Gregory.]

process of election to the agency. I would have thought that the best way to achieve that would be to ask the chairperson of the agency to call a meeting of local residents' associations. If we provide that such groups have to be registered with the community department of Dublin City Council, we can ensure they do not start sprouting up all over the place. I pay tribute to the outstanding established and active residents' groups in the Grangegorman area, which have won every competition in the book, such as tidy districts competitions and city council competitions. It would be a straightforward matter to ensure that residents are elected.

**Mr. Gogarty:** While I welcome the Minister's amendments Nos. 58 and 92, I would like her to go one step further. My amendment No. 61 seeks to have two persons nominated by the local residents as well as one elected public representative. Amendment No. 58 includes one elected public representative. The wording is better in that the person will be a resident of the Grangegorman neighbourhood. I thank her for the map which clarifies what constitutes the neighbourhood.

From the time I spent on the council, and as a Deputy, consultation still appears to be a case of telling people what will be done and going ahead with it anyway. In this context, when public consultation or whatever is being advertised, it is usually done in a local newspaper, the *Irish Independent* or some other medium. People can say they never saw the advertisement and they were not consulted, even though the effort was made. Is there a mechanism whereby there could be a leaflet drop advertising for the residents' nominee or nominees *via* the residents' associations or directly from the agency so every house in the area would be notified directly? If a leaflet was dropped through letterboxes, people could not say they did not hear about the nominations.

I echo Deputy Gregory's sentiments on amendment No. 58, namely, that two local representatives rather than one should be nominated to the agency. Two local residents would represent just 15% of the agency being represented by residents, which is relatively low and it would allow the main thrust of the development of the site to continue. It would be safer to include two local residents and I ask the Minister to take this on board during the Seanad debate. I will not press my amendment if the Minister will agree to give further consideration to paragraph (d) of amendment No. 58 and change it from one person to two persons. I welcome the remainder of the amendment, particularly where an elected public representative will be included.

**Mr. Crowe:** The amendments are seeking to deal with balance in the agency. One must ask why the local residents' concept was omitted. It appears to be just an add-on which highlights the flaws in thinking relating to involving local people in many of these plans. The Minister may argue

that it is more than just a community aspect and that it deals with education, training and so on. It is also about interaction educationally and culturally within the area, and there needs to be a balance in this regard. Having local residents on a board or agency does not detract from it, in fact, it can enhance it.

We spoke earlier about the consultation group and so on. It is important to clarify whether it will be established in tandem with the agency. It is important to have balance. The amendment proposing two local residents will help this balance. It will enhance the agency rather than detract from it. It may bring a modicum of sense to the agency in that these people will have a view of life just as many of the professionals who will be on the board of the agency. It would seal the pact with the local community and make them part of this proposal.

**Ms Hanafin:** My amendment No. 58 seeks to ensure that the board of the agency will have balanced representation and direct input from all interested parties. It is important to reiterate that this is primarily a site which will be used by the Dublin Institute of Technology and the health authority. Therefore, it stands to reason that their representation on the agency should be greater than that of any other group. While the residents will be users of the campus, my amendment amplifies the co-operation between the agency and the residents and it enhances the consultative process outlined in other parts of the Bill.

Deputy Gregory referred to the Fourth Schedule, which provides an open and transparent manner in which to select the residents' representative. As he correctly pointed out, it is quite narrow in regard to the person who can sit on the board of the agency but quite broad in the manner in which it can be done. I would have no problem at a later stage narrowing the way in which it can be done and just making it the residents' associations, if the Deputy so wishes. However, the type of clubs I have in mind, and which would not be covered by a general term such as residents' association or sports club, would be a youth club for example. It would be an obvious user of such a campus, but it would not come under the category of a sports club or a residents' association for the purposes of legislation. It could be a chess club or any of these other groups we were trying to include in the process. I am sure the Deputy would like if they were included, but the important thing is that the representative is on the electoral register, a resident and is well supported by that group because, in the first instance, they would have to be nominated by two of the different groups or agencies. We are trying to reflect and include the wide body of groups, societies and organisations that exist in a neighbourhood. If we were to go down the road of including two residents, we would have to include four representatives of the Dublin Institute of Technology and four from the health service and we would end up doubling the mem-

bership, which would lead to an unwieldy agency. Proportionately, the balance is correct in this instance.

Obviously the views of local representatives are important. I hope that when it comes to selecting the local councillor — I know that councils tend to deal with issues on a rotation basis — they will appoint someone who equally represents and reflects the views of the local area, not someone who happens to represent the ward three miles down the road but still within the catchment area.

Amendment No. 72 incorporates the selection process for the residents' nominee. I need to make an oral amendment to amendment No. 92. In the second line of subsection (2) of section 3 to the schedule the amendment should read, "21 days prior to the election meeting" rather than 14 days prior to the election meeting. The section should now read, "Not earlier than 14 days after the expiry of the registration period and not later than 21 days prior to the election meeting, the chairperson of the agency shall call for nominations for appointment to the agency and to the consultative group." This is required to ensure the election procedure can be achieved in practice. The final date for receipt of nominations will coincide with the final date when the chairperson must notify registered groups of all the nominations received. The oral amendment provides additional time so that the required notification will be achieved.

**Acting Chairman (Deputy Cowley):** Will the Minister clarify the amendment?

**Ms Hanafin:** It is amendment No. 92, which will be in page 30 after line 32. It refers to the Fourth Schedule and the second line of subsection (2). It currently reads, "The register shall remain open for not less than 21 days." I propose that it should read, "Not earlier than 14 days after the expiry of the registration period and not later than 21 days prior to the election meeting, the chairperson of the Agency shall call for nominations for appointment to the Agency and to the Consultative Group."

**Acting Chairman:** Which paragraph is it?

**Ms Hanafin:** It is the second line of paragraph 3(2) of the Fourth Schedule.

**Mr. Gogarty:** That has been included in the version we received.

**Ms Hanafin:** I am sorry, it is in the later version. With regard to the Fourth Schedule, it is recognised by all Members that the development will benefit from having a resident of the neighbourhood on the agency. It needs to be ensured that the interests of the residents are represented and that the agency will be democratic, inclusive and transparent. My proposal recognises that, as did the contributions of Members. It sounds like a

complicated consultation process but the election will be simple because it will be first past the post. During the term of the agency, which could be ten years, three elections could be held and, therefore, the legislation provides for a process that can be reactivated relatively easily, and that will leave enough time between stages for consultation.

I refer to amendments Nos. 55 and 57. Given the number of members of the agency in the interest of efficiency and workability, the DIT has adequate representation, particularly *vis-à-vis* the other main users of the campus. Amendments Nos. 55, 60 and 61 do not add to the legislation. I do not propose to accept amendment No. 62 because my amendments to the Schedule cover the election of the residents' representative. Deputy Crowe asked when the agency will commence its work. It will be when we stop talking about it.

**Ms O'Sullivan:** I accept the Minister's amendment No. 90 addresses the issue raised in my amendment No. 62. I acknowledge the Minister has travelled quite a distance to address our concerns but, ultimately, the various organisations in the area will still only have one representative on the agency. Will the Minister consider increasing the number, as has been sought by every Member who has contributed? One representative is insufficient considering the variety of organisations and the number of active residents' associations in the area. Will the Minister re-examine this issue and consider providing for at least a second representative of the various interests in the area?

**Mr. Gregory:** I do not wish to exclude anybody from the process outlined by the Minister but I seek clarity regarding "similar non-commercial groups" because I do not know what that means.

**Ms Hanafin:** Youth clubs, for example.

**Mr. Gregory:** The legislation does not state that.

**Ms Hanafin:** One cannot provide only for youth clubs.

**Mr. Gregory:** The Minister needs to define which groups have a right to nominate because it makes common sense to do so. Giving the chairperson of an agency a vague, descriptive outline of various groups is not helpful. I seek clarity and I hope the Minister does so as well.

The Minister hit the nail on the head when she referred to youth clubs because there is a need for two representatives on the agency, given the range of groups in the area. Perhaps it would be useful if a representative of a youth club, which uses the campus, was elected to the agency but, equally, it is most important, as the Minister stated yesterday, that a resident from a residents'

[Mr. Gregory.]

association, who has been active on this issue for years, should be on the agency.

Under the Minister's proposal, it is unlikely that a resident will be elected to the agency as he or she would be swamped and, therefore, to ensure the Minister's wish that a resident of a residents' association be on the agency, at least two representatives of non-commercial groups must be elected to the agency. That is the view of the residents' groups. They are anxious that they should have two representatives on the basis of gender balance and the range of groups active in the neighbourhood. To achieve the Minister's aim, it will be essential to provide for two representatives to emerge from the elaborate election process, which, according to the Minister, is a simple procedure involving first past the post. If the Minister accepted the amendments, perhaps the second past the post could be appointed to the agency or a representative of the residents' associations together with a representative of other community interests.

It is intriguing that the Minister would not countenance consulting community development groups in the area yesterday but she is quite happy for them to elect somebody to the agency. That does not make sense. I do not wish to exclude anyone and the purpose of my amendment is to include all the various groups by electing two representatives to the agency from the neighbourhood.

**Mr. Costello:** This is one of the central issues in the workings of the new agency and whether an adequate delivery mechanism will be provided for the local community. Other amendments have been tabled and dealt with on this issue. However, the Fourth Schedule deals with the composition of the agency. There is not much sense in electing a token representative of the community or the residents. A critical mass is needed and it must include two residents. A representative of the residents could be easily isolated and it would be easy to put the needs of the residents on the back boiler. A chairman of an agency such as this who is worth his or her salt should be able to channel the activities and discussions of the agency to the "important issues" such as implementing structures and addressing development, procurement and so on. The residents' needs would then be dealt with under any other business.

It is important that at least one other representative of the residents is elected to the agency to support the representative provided for in the legislation. That is how business is conducted by such agencies. This will be a high powered body which will make decisions. Generally, residents are in difficulty in such circumstances and, therefore, the representative provided for should be supported by another representative of the community.

Deputy O'Sullivan proposed that representatives of the North West Inner City Network and the Dublin Inner City Partnership should be elected. That would involve the residents and the broader local community and would provide that educational, training, employment and environmental matters could be addressed through interaction with the local authority and local development groups.

This encompasses the totality of social activity in the area, involving residents and the broader local community, educational matters, training, employment, the environment, the local authority, local developments taking place in the area, the input from the Dublin Inner City Partnership and the network of approximately 50 organisations representing a variety of groups and residents' associations, particularly developmental groups. That their voices are heard on a continuous basis is important and they must be at the table where decisions are made.

The trade unions and social partners whose members work within the DIT are also involved. This addresses partnership. The Government is involved in a partnership with the trade union movement, employers, farmers and the business sector. Including this partnership is important for the trade union movement. Employers are certainly represented, as is the body corporate. There are no farmers in the area to the best of my knowledge. Trade unions should be represented for the large numbers of staff working in the area.

Will the Minister clarify one or two points about the Fourth Schedule? The Agency will determine the body that can apply to register as an interested registered group, whether it is a community group, a residents' association or a tenants' group. What criteria will be used? Will all the organisations comprising the North West Inner City Network be included as registered groups for the purpose of these elections? Who will vote in the elections? It is not clear that this will be a plebiscite of the residents of the area but simply an election of two representatives from each registered group. If that is the case, it is important to determine the criteria for registering the groups. Paragraph 3(6) of the Fourth Schedule states:

Each registered group may be represented by not more than 2 persons at the election meeting. Each of these persons shall be entitled to one vote at the meeting.

Depending on the criteria, there could be as many as 100 people from these groups or as few as a dozen or two dozen. Will the Minister clarify whether it will be a plebiscite in the sense that everyone in the area can exercise their votes or whether only two representatives from each registered group can vote?

**Mr. Gogarty:** I reiterate the requirement for an additional resident on the board. The agency is to have 15 members, including the city manager, a councillor, two persons nominated by the Minister for Health and Children and two nominated by the DIT president. If there are two residents, which is what we are seeking, that means another six persons would be appointed by the Minister. Of these, there could be an additional DIT or Department of Health and Children input as the health ethos of the site must be maintained. I do not accept the argument that placing an extra resident on the agency would mean doubling the number of other members.

The Minister for Education and Science might be one of the first to argue that during this Government's term of office, the Progressive Democrats tail did not wag the Fianna Fáil dog. If one examines the composition of the Government in terms of the ratio of Progressive Democrats to Fianna Fáil members, there are more Progressive Democrats members to Fianna Fáil members than there would be residents to other agency members. No doubt the Minister would argue — I am saying this semi-facetiously—

**Ms Hanafin:** I do not understand what the Deputy is trying to say.

**Mr. Gogarty:** I will say it in plain English.

**Mr. Costello:** Could a Progressive Democrats member nominate—

**Mr. Gogarty:** The Progressive Democrats comprise approximately 9% of the Government, which is more than the ratio of residents to other agency members. The Minister and her Fianna Fáil colleagues would argue that the Progressive Democrats Party has not exerted a disproportionate influence over the composition of the Government or the implementation of its policies. I do not see, therefore, how adding an additional resident would upset the ethos of the site's development.

**Ms Hanafin:** Equally, I cannot see how one resident would only be a token member.

**Mr. Gogarty:** One would certainly be a token in light of what Deputy Gregory said, that the community groups who were disenfranchised from consultation yesterday now have an opportunity to possibly have a representative on the agency. In turn, the residents could be disenfranchised. There are distinct and disparate groupings involved. I cannot make a visual speech but, on the latest map supplied by the Government, the large scale of the neighbourhood shows the Grangegorman site as slap-bang in the middle of it. The site is being integrated into an existing community and the integration must be carried out in an effective way.

This site will be a large educational campus with a health element and, I hope, community facilities. To ensure adequate integration, residents must be proper stakeholders and have a proper input. Having two residents on the 15 member board will not upset the agency's ethos but would give residents a real stake in what is happening. The perception is important as well as the reality. I urge the Minister to consider putting a second resident on the agency. In addition to the resident mentioned, the Minister can appoint six members, including the chairperson so there is plenty of scope for appointing more educational people. There are an additional six places which the Minister can play around with.

**Mr. Crowe:** I do not wish to labour the point, but I support my colleagues. Having a minimum of two residents is important as it would add to the strength of the board. Why was this element left out when the Bill was drafted?

**Ms Hanafin:** It is there now.

**Mr. Crowe:** That is important. The Minister has taken one step and perhaps she could take—

**Mr. Costello:** The Minister has listened.

**Ms Hanafin:** I have.

**Mr. Crowe:** Perhaps the Minister will listen to this debate—

**Ms Hanafin:** Sinn Féin is living in the past.

**Mr. Crowe:** —and take the next step. It is in the interests of democracy and of local residents and it would strengthen the agency.

**Ms Hanafin:** I am astonished that an elected representative would imply that any member who would be duly elected by the bodies, residents' associations and other groups in a constituency would only be a token member or would simmer on the backboiler. I would have every confidence in the person who would be elected from the constituency, which is well represented in this House by a number of the Deputies present—

**Mr. Costello:** There is no need to isolate the person.

**Ms Hanafin:** —that he or she would be very capable of representing validly the views of the residents in the area. The proportionate representation in this Bill is correct. Deputy Gogarty referred to the flexibility that I will have on the appointment of members and takes for granted that I will favour the education sector, but there is nothing to stop me appointing a local resident either.

**Mr. Gogarty:** That would sort out the whole debate.

**Ms Hanafin:** The flexibility to do so exists but, for the purposes of specifying who the members are, the proportion is correct and I have every confidence in the groups that will be involved. I do not believe that the developmental groups, networks and partnerships that constantly tell people how to do their work should be the people who should continue to tell them how to do it. It should be left to the resident, who is a voter in the area and is elected by the people in the area, to do the work.

**Mr. Costello:** That is not the point.

**Ms Hanafin:** These groups constantly talk about empowerment, and they are well capable of doing this work. Regarding Deputy Gregory's point about clarity, perhaps the easiest way to bring this about would be to remove those groups. I accept what the Deputy has said about the wording being vague in connection with similar non-commercial groups. The wording was phrased with a view to being inclusive of these groups that are there not just to make money but that provide a service for the community.

If it comes to deleting that provision and restricting it to the residents and tenants associations, parish and district associations and groups and sports clubs, that can be done. However, it is important to include the youth groups, for example, who would not be included in those categories. If there is a better way of doing it, I am willing to examine it in the Seanad. Another way of doing it would be if Deputy Gregory would give me a list of the people he thinks should qualify, but I am quite sure that he will not do that.

**Mr. Gregory:** The Minister would not believe the list I could supply.

**Ms Hanafin:** Whatever about the number of groups that will be able to participate in the process, the crucial point is that the person to be elected will be resident in the neighbourhood and registered on the Register of Electors. Only such a person can stand for election. Many different groups will be registered and they are the only ones entitled to vote.

It is not intended to have a plebiscite of all those living in the area to select a representative. We are talking about three people — two people for the consultative group and one person for the agency. The more efficient way of doing this — and the election process will have to take place three times in a ten year period — is by working directly with the groups in the area. The aim is to be inclusive, while narrowing the scope to ensure that the representative elected is a genuine representative of the area. I have the utmost confidence that the local community will be able to do this.

**Mr. Costello:** Can the Minister reply to my query regarding the Fourth Schedule? Who can vote and what is the registration criteria?

**Ms Hanafin:** The registered group and the person who can vote will be as is stated in section 3, subsection (5) of the Fourth Schedule, that is, only persons resident in the Grangegorman neighbourhood and listed in the Register of Electors may stand for election or vote in the election.

**Mr. Costello:** So, everybody who lives in the area can vote.

**Ms Hanafin:** No, not more than two persons may represent the registered group at the election meeting, as referred to in subsection (6).

**Mr. Costello:** Does that mean that only two people from each registered group can vote?

**Ms Hanafin:** Yes, two people from each registered group can vote, providing they are resident in the area and on the Electoral Register for that area.

**Mr. Costello:** So, there is no plebiscite as such, is that correct?

**Ms Hanafin:** There is no general plebiscite.

**Mr. Costello:** What is the criteria for deciding what constitutes a registered group?

**Ms Hanafin:** A group must register with the chairperson of the agency.

**Mr. Costello:** What does that mean?

**Ms Hanafin:** The chairperson sets up a process and the group notifies him or her that it is a registered group. The chairperson might decide to conduct a session with the various groups, so that groups could be challenged on their eligibility. We do not want a situation where there are thousands of groups claiming to be legitimate. Some level of protection against that is afforded by the requirement that a person must be a resident and registered on the Electoral Register in order to vote. In that way, a person who is from Dún Laoghaire cannot claim to be legitimate in the Grangegorman area.

**Mr. Costello:** A situation could arise where a residents association is deemed to be a registered group, representing 1,000 or 2,000 people.

**Ms Hanafin:** Yes, and it would have two votes.

**Mr. Costello:** Yes, but there may be another group, let's say an employment organisation, representing only half a dozen people.

**Ms Hanafin:** Each nominee must be nominated by at least two registered groups, as stated in section 3, subsection (4) of the Fourth Schedule.

**Mr. Costello:** Yes, Minister, but the groups would have the same number of votes.

**Acting Chairman:** We must move on. We do not have time for a Committee Stage-type debate.

**Ms Hanafin:** There would be an equal number of votes for each group. I see the point the Deputy is making.

**Acting Chairman:** We must move on.

**Ms O'Sullivan:** I am pressing amendment No. 55.  
Amendment put.

The Dáil divided: Tá, 34; Níl, 66.

Tá

Boyle, Dan.  
Breen, James.  
Broughan, Thomas P.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crowe, Seán.  
Cuffe, Ciarán.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Howlin, Brendan.  
McGrath, Finian.

McHugh, Paddy.  
McManus, Liz.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Murphy, Catherine.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Rabbitte, Pat.  
Ryan, Seán.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Upton, Mary.

Níl

Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Browne, John.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Coughlan, Mary.  
Cowen, Brian.  
Cregan, John.  
Cullen, Martin.  
Davern, Noel.  
de Valera, Síle.  
Dempsey, Tony.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Fox, Mildred.  
Gallagher, Pat The Cope.  
Grealish, Noel.  
Hanafin, Mary.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hoctor, Máire.  
Jacob, Joe.

Kelleher, Billy.  
Kelly, Peter.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
Lenihan, Conor.  
McEllistram, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Cuív, Éamon.  
O'Connor, Charlie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Roche, Dick.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.

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

Amendment declared lost.

**Ms Hanafin:** I move amendment No. 56:

In page 15, lines 1 and 2, to delete all words from and including "Eastern" in line 1 down to and including "Board" in line 2 and substitute "Health Service Executive".



Amendment agreed to.

**Ms Enright:** I move amendment No. 57:

In page 15, line 3, to delete “2 persons” and substitute “three persons”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**Ms Hanafin:** I move amendment No. 58:

In page 15, lines 4 and 5, to delete all words from and including “and” in line 4 down to and including “of” in line 5 and substitute the following:

“(c) one person nominated by the City Manager of Dublin City Council,

(d) one person being a resident of the Grangegorman neighbourhood who was selected in accordance with the *Fourth Schedule*, and

(e) one elected public representative being a member of Dublin City Council and nominated by”.

Amendment put and declared carried.

Amendment No. 59 not moved.

**Mr. Gregory:** I move amendment No. 60:

In page 15, between lines 6 and 7, to insert the following:

“(d) 2 residents nominated by local residents associations.”.

Amendment put and declared lost.

**Mr. Gogarty:** I move amendment No. 61:

In page 15, between lines 6 and 7, to insert the following:

“(d) 2 persons nominated by the local residents,

(e) 1 elected public representative.”.

Amendment put and declared lost.

Amendment No. 62 not moved.

**Acting Chairman:** Amendments Nos. 68, 69 and 78 are related to amendment No. 63 and amendments Nos. 79 to 82, inclusive, are alternatives to amendment No. 78. Amendments Nos. 63, 68, 69 and 78 to 82, inclusive, can be discussed together.

**Ms O’Sullivan:** I move amendment No. 63:

In page 15, line 23, to delete “appears” and substitute “can be demonstrated”.

This and the related amendments deal with the removal of a person from the agency, the committees of the agency and the consultative group. My amendments are designed to make the procedure for removal fairer. It should not simply be based on the opinion of the Minister or because their removal appears to the Minister to be necessary. The amendments provide that there must be due cause if a person is to be removed. Amendment No. 63 deletes “appears” and substitutes “can be demonstrated”.

This is about fairness. Nobody should be removed from an organisation simply because it appears that it might be necessary to remove them or because it is the Minister’s opinion that they are incapable of performing their functions or have committed stated misbehaviour. That is offensive to people who serve on an agency, body or committee. Due cause must be shown as to why a person should be removed. It is a big step to remove somebody from a responsibility they have been given and removal is certainly a reflection on their character. That should not be done to a person unless due cause has been demonstrated.

**Mr. Gogarty:** Deputy O’Sullivan said what I intended to say. I support the amendment.

**Mr. Gregory:** I wish to speak to amendment No. 81 in my name. It seeks to delete lines 4 and 5 which read: “The Agency may at any time dissolve the Consultative Group appointed under *subsection (3)*.” No qualification or explanation is given. The provision is pointless. I cannot envisage circumstances where it would be required but if it is considered necessary to give that power to the agency, it should be subject to criteria for the dissolution of the consultative group. To do it in such a bald way is a slap on the face for the people in the consultative group. The provision diminishes the Bill and I do not see the point of including it.

**Mr. Costello:** I support the amendment. Section 16 provides that a member of the agency may be removed if it appears to the Minister to be necessary for the effective performance of the agency. Strengthening the provision by using the phrase “can be demonstrated” would be beneficial for all concerned, including the Minister. It might obviate the need for legal action later on.

I also wholeheartedly support amendment No. 81. How the consultative group is treated in this section leaves much to be desired. Subsection (4) states: “A member of the Consultative Group appointed under *subsection (3)* may be removed from such membership at any time by the Agency.” The agency may also dissolve the consultative group without any *caveat* or condition. The two subsections are high handed in their treatment of the consultative group. That group is supposed to be part of the more generous approach in the legislation to involving people. It is intended to be proactive legislation that will

ensure various opinions are taken into consideration. However, if the agency can dispense with the consultative group in this high handed fashion, it leaves much to be desired. It would be better if both subsections were deleted.

**Ms Hanafin:** I undertook on Committee Stage to examine the wording of this section. The Parliamentary Counsel indicated that this is a standard provision and that it would be inappropriate to change it. The reason is that the agency is bound by the rules of administrative law and the principles of natural and constitutional justice. It need not be included in the Bill. These rules and principles already require that adequate grounds must exist for the removal or dissolution and that the reasons for the removal or dissolution must be stated. The agency must act reasonably if it is removing a person, a member of the consultative group or if a committee or consultative group is to be dissolved. There must be a good, stated reason. That is already established under the principles of natural and constitutional justice and the rules of administrative law.

The Parliamentary Counsel advised that it is undesirable to amend this provision further. The Members' concerns are already covered. For that reason, I do not propose to accept the amendments. Obviously, when the work of the consultative group is finished, it is important that the agency has the power to dissolve it. Equally, if a member of the consultative group is not doing their work, there should be a power to remove them from the group. However, under the legal principles I have mentioned, good reason would have to be given for that action. I do not believe it is necessary to be more prescriptive.

**Ms O'Sullivan:** It should still be possible to state this in the legislation. If it is not stated in legislation, it is difficult for a person to argue that they should not have been dismissed under the rules of natural, constitutional or administrative law. It usually does not reach that point. Nobody wishes to involve the courts if they are dismissed from an agency, consultative group or a committee. Perhaps the Minister will re-examine this before the Seanad debate and see if it can be incorporated into the legislation.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Amendment No. 64 not moved.

**Ms O'Sullivan:** I move amendment No. 65:

In page 15, to delete lines 46 and 47 and in page 16, to delete lines 1 and 2 and substitute the following:

"(15) The Minister shall ensure that at least 40 per cent of the members of the

Agency are men and that 40 per cent are women."

On the basis of the clarification the Minister offered earlier, I will withdraw the amendment. Will she confirm that she will remove the words "as far as reasonably practicable" from amendment No. 66?

**Ms Hanafin:** That is correct.

Amendment, by leave, withdrawn.

**Ms Hanafin:** I move amendment No. 66:

In page 16, lines 1 and 2, to delete all words from and including "an" in line 1 down to and including "Agency" in line 2 and substitute the following:

“, as far as reasonably practicable, that at least 40 per cent of the members appointed to the Agency are men and at least 40 per cent of the members appointed to the Agency are women”.

I move amendment No. 1 to amendment No. 66:

To delete the words "as far as reasonably practicable,".

**Ms O'Sullivan:** I thank the Minister for taking that point on board.

Amendment to amendment agreed to.

Amendment No. 66, as amended, agreed to.

**Acting Chairman:** Amendments Nos. 70 and 88 are related to amendment No. 67 and must be recommitted with amendment No. 67. Amendments Nos. 67, 70 and 88 can be discussed together.

Bill recommitted in respect of amendment No. 67.

**Ms Hanafin:** I move amendment No. 67:

In page 16, line 42, after "section 19" to insert the following:

"or any Project Working Team established under section 20".

The project working teams will be established to carry out work on behalf of the agency so it is reasonable to extend the agency's powers to regulate the business and procedure of the project working teams. Amendments Nos. 67 and 70 are designed to facilitate this.

On Committee Stage I accepted an amendment to extend the immunity to the consultative groups. The provision providing for the project working teams was also introduced on Committee Stage, so it is appropriate the same immunity should extend to members of the project working

[Ms Hanafin.]  
teams. Therefore, I will also move to recommit the Bill in respect of amendment No. 88.

Amendment agreed to.

Bill reported with amendment.

**Ms O'Sullivan:** I move amendment No. 68:

In page 17, line 2, after "removed" to insert "for stated reasons justifying the removal".

Amendment put and declared lost.

**Ms O'Sullivan:** I move amendment No. 69:

In page 17, line 4, after "dissolve" to insert "for stated reasons justifying the dissolution".

Amendment put and declared lost.

Bill recommitted in respect of amendment No. 70.

**Ms Hanafin:** I move amendment No. 70:

In page 17, between lines 30 and 31, to insert the following:

"(6) The Agency may at any time dissolve a Project Working Team established under this section.

(7) The Agency may at any time remove a member of a Project Working Team from membership of the Project Working Team."

Amendment agreed to.

Bill reported with amendment.

Amendment No. 71 not moved.

**Ms Hanafin:** I move amendment No. 72:

In page 17, line 34, after "neighbourhood" to insert the following:

"(nominated in accordance with the provisions of the *Fourth Schedule*)".

Amendment agreed to.

**Acting Chairman:** Amendments Nos. 73, 76 and 77 are related and will be discussed together.

**Mr. Gregory:** I move amendment No. 73:

In page 17, line 37, after "site," to insert "Dublin Inner City Partnership,".

The amendment refers to the consultative group and to our earlier discussion during which the Minister was a little unfair in trying to saddle me with responsibility for the shortcomings of those who drafted the Bill in the first instance. The Minister stated that if I wanted to draw up a list,

she would let me do so. However, she was probably joking in saying that because I would be happy to redraft the Bill in its entirety, if the Minister were to let me do so.

**Ms Hanafin:** I do not think the Deputy would want to do that.

**Mr. Gregory:** It is unfair to suggest I was attempting to keep youth groups out of the agency when youth groups are not even mentioned by the Minister. I am sure she will withdraw that implication when she responds.

The only way to include youth groups and residents groups on the agency is to have two members from the neighbourhood on the agency, one of whom would be a member of a residents group. That is my position. I want to be inclusive and to include all bona fide groups. I want to ensure that the residents groups have a representative on the agency as well there being a second representative from the neighbourhood. My point is as simple as that. This cannot be done by redrafting or narrowing the Bill, as the Minister suggests. However, it can be done if the Minister considers this matter between now and the Bill's arrival in the Seanad. She should make provision to have two people from the neighbourhood on the agency.

I ask that one of the stakeholders on the consultative group, rather than the agency, would be the major community development grouping in the area, the Dublin Inner City Partnership. A range of groups is listed in section 21(2), although it would waste time to mention them all. The Dublin Inner City Partnership should be included in the list of stakeholders. An interesting point in this regard is that I presume the partnership is included in the Fourth Schedule and can nominate people as members of the consultative group, although it cannot be listed as a stakeholder in this section. This does not make sense, no more than the reluctance to consult community development groups, to which I referred.

With respect, the Bill has been messed about and contains a number of conflicting sections. While the Dublin Inner City Partnership can nominate people to go forward for election to the consultative group, as it can under the Bill as worded at present, section 21(2) does not list it or community development groups of any sort in the list of stakeholders. Having listened to the Minister's contributions, I cannot understand why the major community development group in this area, which would have a significant interest in the redevelopment of this site, cannot be considered a stakeholder for the purposes of the consultative group. I ask the Minister to reconsider this before the Bill reaches the Seanad.

**Ms O'Sullivan:** Amendments Nos. 76 and 77 relate to this issue. Amendment No. 77 is similar to Deputy Gregory's amendment No. 73, except that I want to include the North West Inner City

Area Network as a stakeholder in addition to the Dublin Inner City Partnership. I wish to make a similar point to that of Deputy Gregory, namely, that these organisations are clearly involved in what goes on in this area. It is incongruous that they should not be considered to be stakeholders, particularly as in the Schedules they are, if their members live in the area, allowed to participate in the selection of representatives for the agency or its sub-groups.

I hope the Minister will accept amendment No. 77 on the basis that it is based on the same concept as the one she has inserted the Schedule, namely, that instead of the agency selecting the stakeholders, these should select themselves. In other words, the stakeholders should nominate the members of the consultative group. The Bill should state: "The Consultative Group shall consist of no more than 2 members nominated by each of the stakeholders appointed by the Agency", rather than "The Consultative Group shall consist of no more than 2 members from each of the stakeholders appointed by the Agency". This is in accordance with the Minister's proposal for the Schedule in regard to the membership of the agency.

**Mr. Costello:** I support the three amendments. This section deals with the establishment by the agency of a group of stakeholders for the purposes of consultation and communication. Who are the stakeholders? What are the criteria for including some and excluding others? While I am delighted that public representatives are regarded as stakeholders, the section also refers to "patients and providers of healthcare services". Why should the providers of health care services be included while the providers of other services are not? Why should the providers of all services in the locality not be included as stakeholders? Many other services are provided, including educational, health care and employment services.

**Ms Hanafin:** The other services will not be on-site whereas the health care services will be.

**Mr. Costello:** The section refers to services "located on or near the site". It does not state they will only be on the site.

**Ms Hanafin:** No, but the health care services will ultimately be on the site.

**Mr. Costello:** My interpretation is that the stakeholders will be in the vicinity — on the site or off the site, but in the neighbourhood. The Dublin Inner City Partnership and the North West Inner City Area Network are off-campus but in the general vicinity. Would it be better for the Minister to adjust this section to delete "healthcare" and insert the phrase "services located on or near the site"?

Debate adjourned.

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

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### Tax Code.

17. **Mr. P. McGrath** asked the Minister for Finance his plans to extend the scope of the tax review currently being undertaken to include additional tax shelters requiring assessment; and if these review studies will be published well ahead of budget 2006 in order that there will be adequate opportunity for the House to consider their implications for tax policy. [18652/05]

**Minister for Finance (Mr. Cowen):** I announced in my Budget Statement that my Department and the Office of the Revenue Commissioners are undertaking a detailed review of certain tax incentive schemes and exemptions during the course of this year.

On 9 April I announced the award of two external consultancy contracts for the reviews. One consultancy firm is examining the area-based urban, town and rural renewal schemes and the living-over-the-shop schemes while another is examining various sectoral property tax incentive schemes, namely, multi-storey car parks, park and ride facilities, student accommodation, third-level buildings, hotels, holiday cottages, nursing homes, private hospitals, sports injury clinics, child care facilities and refurbishment of rented residential accommodation.

I made it clear at the time of the budget that the review will also involve the examination by my Department and the Revenue Commissioner of certain other tax reliefs and exemptions and specifically mentioned those of stallions, woodlands, artists and greyhounds. Others which I have decided should be looked at for the budget are the reliefs for interest on loans to invest in companies or partnerships, significant buildings and gardens, donations, patent income and certain pensions reliefs.

These reviews are scheduled to be completed in time to inform the development of the 2006 budget and Finance Bills. I am not in a position to indicate any likely publication date for these studies.

**Mr. P. McGrath:** The Minister mentioned at the time of the budget that he would be conducting reviews. Is he reviewing every available concession or tax break? Are they all eligible for review at this time? He indicated that one consultancy firm is examining urban and rural renewal schemes and another is examining other types of schemes. Has the Minister initiated a review of all the schemes that are in place? Are other consultancy firms involved in the review, apart from the two he mentioned?

[Mr. P. McGrath.]

The Tánaiste recently indicated that she was in favour of extending the tax breaks available in the health sector. How does that knit with the Minister's stated intention to curtail tax breaks available for very rich people? Has he discussed the matter with the Tánaiste or the Cabinet? Perhaps the Minister could indicate who might win that particular battle. If one invests equity of €75,000 in the health sector one is guaranteed a cash profit of €62,760. Does the Minister agree that taxpayers should facilitate such returns to obviously very rich people?

**Mr. Cowen:** Any Minister of Finance would review the schemes, the way in which they interact with the economic and social priorities of the day and whether he or she wishes to continue with them or change, add to or detract from them. In this case, having taken up office shortly before my budget, I put in place a more structured review system and obtained consultancy help in looking at the schemes which I have outlined. Other schemes are continually under review by the Department and Revenue Commissioners which would be the case going into a budgetary process.

The BES and film relief schemes have been reviewed within the past 18 months and are already subject to caps and limitations. These, together with the seed capital scheme, will be examined during the review in terms of whether potential horizontal measures to limit the ability of high earners to substantially reduce their tax contribution should include these schemes.

With regard to share options, the schemes are considered very important in terms of social partnership and by business in general and are subject to conditions in order to qualify. We have no evidence from data and reports that share options are used by high earners to reduce their income tax liability and therefore it is not considered that they need to be examined in the context of the review. That is the situation with regard to what is being looked at and the reasons for it.

The Tánaiste indicated her interest in the prospect of certain private investment in the provision of health facilities. She was generally well-disposed to the idea and stated that it was ultimately a matter for the Department of Finance and Government in a budgetary context beyond this review to see what, if any, other areas we be considered. I am not restricting tax reliefs. Rather I am reviewing them and not prejudging the outcome of the review. I am waiting to see what comes forward on the evidence available. It is a matter for Government at any time, in preparation of budgets and in pursuance of economic and social policy, to ascertain the priorities it wishes to consider where private capital could play a role in addition to Exchequer commitments. I do not see any discrepancy in that regard. We are awaiting the outcome of the review.

**Mr. P. McGrath:** In that context, has the Minister placed a timescale on when the consultants will report back to him? As he is conducting a review and perhaps will take action in the upcoming budget in December of this year, will the Minister give a commitment to put the consultants' reports into the public domain prior to the budget so we can all see what is involved, and the benefits, downsides and cost to taxpayers? We should all have a look at the reports in order to have a reasoned debate in the House with regard to the matter.

**Mr. Cowen:** As I stated in my reply, I am not in a position to indicate any likely publication date for those studies at this time. We must first receive and consider them. Tax strategy documents are not published until after the budget and Finance Bills have been considered. I am leaving such matters open and am not prepared to give a commitment on anything until I see the contents of the report. As Minister, I am entitled to prepare budgetary parameters and process and the deliberative process of Government retains that prerogative. However, whatever decisions and assistance which may emanate from the efforts, discussions and consultations undertaken in addition to what we are doing ourselves will inform my budgetary decisions which will be announced on budget day.

**Mr. P. McGrath:** Will the Minister publish it thereafter?

**Mr. Cowen:** I am not in a position at this stage to say when it will be published. We will get it first and then decide what I can do with it.

**Mr. P. McGrath:** It depends on what it states.

**Mr. Cowen:** The Deputy will know all about it on budget day.

18. **Ms Burton** asked the Minister for Finance if his attention has been drawn to a Revenue Commissioners document (details supplied) which states that some persons who claimed to be non-resident for tax purposes were in reality living here; his views on this claim; the procedures in place to monitor whether those who claim to be non-resident for tax purposes are actually resident out of the country for the required period; the proposed nature of the review of the legislation and regulations regarding non-residency status for tax purposes in view of the comments made in Dáil Éireann on 23 and 24 May 2005; the person by whom the review will be undertaken; and if he will make a statement on the matter.  
[18472/05]

**Mr. Cowen:** I am informed by the Revenue Commissioners that the report mentioned was an internal report of an organisation review group which led in to the restructuring of the Office of the Revenue Commissioners. The comment in the report regarding the possibility that people

claiming to be non-resident in Ireland might in reality be living here was intended to outline the group's perception of a risk on which Revenue's new structures would need to be able to focus. I am advised that the comment was not based on any research carried out at that time. The new structures that emerged from the report and which were put into place in late 2003 included a specialist high wealth individuals unit within a large cases division and specialist areas in each region, which were capable of focusing on the tax compliance behaviour, including residence patterns, of wealthy people.

I am also informed that the high wealth individuals unit is currently examining a number of claims to non-residence as part of its risk-based audit programme and that this type of audit will be a feature of all future audit programmes in this area.

I am further informed by the Revenue Commissioners that the procedures adopted in regard to validating a claim to non-residence status depend on the circumstances in each case. The administration of these validation procedures is a matter for the Revenue Commissioners and I am informed by them that these procedures are kept under review. The methods used to verify claims to non-residence include a range of tests and an intelligence dimension which for obvious reasons Revenue do not publicise. In addition, Revenue has statutory powers to make relevant inquiries regarding any aspect of tax returns, including claims to non-residence status.

The rules on residency are not a tax relief scheme as such and are therefore not included in the review of tax relief schemes that I announced in the 2005 budget. However, as already outlined to the House, I have asked the chairman of the Revenue Commissioners to monitor the application of the current non-resident rules, through examination of cases handled in the Revenue large cases division and to provide me with a report once this examination is complete.

**Ms Burton:** Has the Minister had an opportunity to view the RTE "Prime Time" investigation programme in which the report on non-residence was raised? The comment was quoted from the report about non-residents who are non-resident for tax purposes but yet in reality appear to live here. I am aware the Minister was appearing on "Questions & Answers" that night but has he had an opportunity since then to view the programme?

I refer to the two statements the Taoiseach made on successive days in the House last week that this non-residency issue was to be included in the examination of tax incentives and tax exiles to which Deputy Paul McGrath referred earlier. I understand the Minister to say now, contrary to what the Taoiseach said, that it is a review by the high net worth individuals group in the Revenue. Will the Minister tell the House the length of time that review has been going on and when it is likely to be concluded? Will the Minister pub-

lish the review and will he tell the House who is undertaking that review?

Will the Minister ask the reviewer if we can clarify the Cinderella rule whereby if a non-resident has left the country by one minute to midnight, it does not qualify as a day of residency? Does the leaving of the State have to be for a minimum period or is it the case, as has been suggested, that someone can take a trip out of the jurisdiction, perhaps by plane or helicopter, for an hour or two from one minute to midnight until, say, 1.10 a.m., return to the State and still qualify? Understandably, the compliant taxpayers view such people as, in effect, living here. Will the Minister clarify if he has been able to firm up the Cinderella rule and the 183 day rule, the way the Revenue Commissioners apply those rules and whether they actively check their operation?

**Mr. Cowen:** I saw the programme. As I indicated in my initial reply, the comment referred to was not based on any research carried out at that time. It was intended to outline the group's perception of a risk on which Revenue's new structures would need to be able to focus. Subsequently, the new structures I outlined in the reply have been doing that. Revenue have ways and means, which they do not publicise for obvious reasons, of checking and satisfying themselves as to the position. They are the people who do that.

When I outlined the position in regard to the budget last November I spoke about tax relief schemes. It was clear I was talking about tax relief schemes. As I understand it, when the Taoiseach was asked for his view on these matters in the House during the week he said he had no problem with the idea of it being monitored and reviewed. I have confirmed that the chairman of the Revenue Commissioners does that on a continuing basis through the relevant personnel who deal with these cases in the Revenue large cases division and that he will provide me with a report once an examination is complete. That can be done in the course of this tax year.

On the matter regarding the residency rule, that was updated in the 1994 Finance Act, when Fianna Fáil and Labour were in power, following a comprehensive review of the matter by the Revenue Commissioners and the Department of Finance. The person is regarded as resident in Ireland for tax purposes in a particular tax year if he or she spends 183 days in the State in that year or 280 days in aggregate in that tax year and the preceding tax year. This aggregation rule does not apply if he or she has been in the country for less than 30 days in the tax year being examined.

The key 183 day rule that contributes to determining residence in Ireland is also a key rule in other countries including Australia, Austria, Canada, the Czech Republic, Denmark, Finland, Germany, Italy, New Zealand, Norway, Portugal and Sweden. The United Kingdom, which still operates rules similar to our pre-1994 rules, pub-

[Mr. Cowen.]  
lished a background paper in 2003 aimed at reviewing its rules, acknowledging that its rules are complex and poorly understood.

As has been said, a person is regarded as having spent a day in the State if he or she is there at midnight. On the changes introduced by the then Government in the 1994 Finance Bill, it was the then Fine Gael spokesperson, Ivan Yates, who on Committee Stage of that Bill pointed out that the provisions as they were then drafted would render a person who stayed overnight in the State present in the State for two days rather than one. Hence the rule was changed to count only a presence at the end of a day.

**Mr. Bruton:** The Minister reduced it to zero.

**Mr. Cowen:** No. That is the way it is currently.

**Mr. Bruton:** There is no day——

**An Leas-Cheann Comhairle:** We are dealing with priority questions.

**Mr. Cowen:** That is the current position. Facts sometimes hurt.

**Mr. Bruton:** No.

**An Leas-Cheann Comhairle:** The Deputy is not entitled to interrupt on priority questions.

**Mr. Bruton:** It is prejudicial to a former Member.

**Mr. Cowen:** I am here to give the facts. That was consistent with Revenue practice under the pre-1994 rules. While the 183 day rule is a common rule among other jurisdictions, not every jurisdiction applies it in the same way. For example, the UK ignores the day of arrival and the day of departure regardless of the number of visits that take place in a tax year. In Denmark, an individual would be resident if he or she has lived there for six consecutive months. Those are the full facts.

**Ms Burton:** Will the Minister confirm whether, under the Cinderella rule, it is possible to leave the State at one minute to midnight and return to the State at perhaps 1.10 a.m., an hour and ten minutes later, and satisfy the rules on exit from the State? Compliant taxpayers are greatly concerned that a single person earning €30,000 will pay some of their tax at 42% while, as the Revenue Commissioners have said, very wealthy individuals who are non-resident for tax purposes but who attend every charity function, ball and race meeting appear, as the programme indicated, to live here full-time. Will the Minister clarify the exit rule under the Cinderella rule?

**Mr. Cowen:** Non-residence for tax purposes does not mean that people are exempt from paying tax in Ireland. It means that they only pay

tax on their Irish sourced income. Non-residency enables them not to be subject to tax on worldwide income.

**Ms Burton:** Almost none of them have Irish sourced income, and the Minister knows that. He is protecting his rich friends again.

**An Leas-Cheann Comhairle:** We must proceed to Question No. 19.

**Mr. Cowen:** Every time I come into this House there is a theme from the Labour Party spokesperson, based on her acute sense of conspiracy, that I am knowledgeable about the income tax affairs of individuals other than myself. I certainly am not and if she is, she is a better woman than I am. I understand that everyone's tax affairs are confidential between the individual and the Revenue Commissioners. The purpose of Question Time is to give accurate information to the public.

**Ms Burton:** Can the Minister clarify the Cinderella rule?

**Mr. Cowen:** I want to make this clarification.

**Ms Burton:** Be Prince Charming and clarify it for us.

**An Leas-Cheann Comhairle:** We must proceed to Question No. 19.

**Mr. Cowen:** A serious charge has been made. I must insist on replying.

**Ms Burton:** Did the Minister watch the "Prime Time Investigates" programme?

**Mr. Cowen:** I am not prepared to allow such unnecessary charges to go unchallenged. They are unnecessary and have no basis in fact.

**Ms Burton:** The Minister should clarify the rule and give the House the information.

**Mr. Cowen:** It would be far better if the Deputy were to be so gracious as to withdraw such charges. I would never make such misleading charges against a Deputy in this House. It does not become Deputy Burton. If she thinks she can make such charges and that people whose job it is to report to the wider public will publish these charges unchallenged, it suggests there is some foundation to what she alleges. However, what she has said is a total untruth.

**Ms Burton:** The eminent Minister is at every race meeting in this country where people who are non-resident for tax purposes are walking around.

**Mr. Cowen:** On a point of order——

**An Leas-Cheann Comhairle:** The Minister is in possession.

**Mr. Cowen:** The non-residency rules that apply in this country were agreed under a Fianna Fáil-Labour coalition Government in 1994.

**Ms Burton:** We are asking the Minister to review them.

**Mr. Cowen:** It has been suggested that I am seeking to help or protect people. That is not the situation. I am here to provide factual information. The Cinderella rule means that only if one is resident in the State at midnight is one deemed to have been resident in the State for that day. The Deputy can conjure up any number of possibilities, however realistic or precedent-setting, that meet that rule. I cannot verify where the regulation has been used. I can confirm that the Revenue Commissioners, in whom I have full confidence, monitor this situation very closely. In so far as matters stand, they are satisfied that there have been no deviations from the regulations and they will continue to monitor and will report to me in due course. Perhaps Deputy Burton will, upon reflection, withdraw the charge she made, which I find ungracious and unnecessary but not untypical of her style.

**An Leas-Cheann Comhairle:** We must proceed to Question No. 19.

**Ms Burton:** On a point of order, the Minister is supposed to answer my questions. He earlier said that there was an ongoing review.

**An Leas-Cheann Comhairle:** That is not a point of order. The Chair has called Question No. 19. We have spent 14 minutes on a question that should have been limited to six minutes.

**Mr. Cowen:** It is unfortunate, but some things cannot be allowed to pass.

**Ms Burton:** The Minister should give us the answer.

**Mr. Cowen:** My integrity is not going to be challenged under privilege. If the Deputy wants to challenge it outside the House, she should do so. I will gladly sue her.

19. **Mr. Boyle** asked the Minister for Finance the reason there is still no comprehensive list of tax reliefs that are being reviewed six months after the review of tax reliefs was announced and two months after the deadline for public consultation on tax avoidance measures passed; the further reason tax residency rules have been excluded from the comprehensive review; if it is within the remit of the review group to recommend measures such as a maximum tax relief threshold; if the Revenue Commissioners have been asked to undertake a separate and full review of tax residency rules, the outcome of which will be published; when the Revenue Commissioners were asked by him to undertake this

review; and if he will make a statement on the matter. [18473/05]

**Mr. Cowen:** As the Deputy is aware, I announced in my Budget Statement that my Department and the Office of the Revenue Commissioners will undertake a detailed review of certain tax incentive schemes and tax exemptions in 2005. I subsequently announced in a press release on 6 January 2005 that my Department had advertised for two external consultancy studies to separately review area-based tax incentive schemes, such as urban, rural and town renewal, as well as the living-over-the-shop scheme, and sectoral property-based schemes, such as multi-storey car parks, park and ride, student accommodation, third level buildings, hotels, holiday cottages, nursing homes, private hospitals, sports injuries clinics, child care facilities and the countrywide refurbishment scheme.

I also made it clear at the time of the budget that the review will involve the examination by my Department and the Revenue Commissioners of certain other tax reliefs and exemptions and I specifically mentioned those for stallion and greyhound stud fees, woodlands and artists. Others which I have decided should be examined in the context of the review are the reliefs for interest on loans to invest in companies or partnerships, for significant buildings and gardens, for donations and patent income as well as some pensions reliefs, especially if these may be used by high earners to reduce their tax bills. Other incentives and reliefs are kept under review in the normal course by my Department.

With regard to the public consultation process, additional time was given where requested to allow social partners and others to finalise their submissions and some of these have been received recently by my Department. It is within the remit of the review to consider options for limiting the extent to which high income individuals can use these reliefs to reduce their tax liability and these were specifically sought in the invitation to submit to the consultation process.

The rules on residency are not a tax relief scheme as such and are therefore not included in the review of tax relief schemes that I announced in the 2005 budget. However, as already outlined to the House, I have asked the Chairman of the Revenue Commissioners to monitor the application of the current non-resident rules through examination of cases handled in the Revenue Commissioners large cases division, and to provide me with a report once this examination is complete.

**Mr. Boyle:** I thank the Minister for providing the most comprehensive list to date of what schemes are to be reviewed and how. This process has been clouded in mystery. At his budget speech in December the Minister listed close to two dozen schemes, the advertisement for the public consultation process talked in generalities about property tax reliefs, and the terms of refer-



[Mr. Boyle.]

ence for the consultants in the review did not mention generalities of what reviews were to be examined and how. At least the Minister's reply provides us with a list of what is being examined.

Nevertheless there are many other tax reliefs that are not being examined. The Minister needs to state why this is so. In his reply to the first Priority Question he indicated that he is not taking this review as an indication of whether these tax reliefs should be abolished, merely to inform him for the next budget. Why does the Minister need a review when we have the obvious abuses that were seen in the recent "Prime Time Investigates" programme, where bar stools covered with whale's foreskin are subsidised by the Irish taxpayer? Is it not the Minister's political initiative and intuition that his existing powers to do away with these schemes or introduce subsequent legislation, such as a special Finance Bill, do not need to wait for a review?

We are still uncertain of the status of this review and if it will be published. The previous answer seems to indicate that it may not be published in advance of the Finance Bill. As part of this was predated by a public consultation process, not only should the review be published, there should be a date set when it will be published. Otherwise the Minister is engaged in a further act of deceit.

Regarding the residency rules the Minister is being economical with the truth. Not only is he exempting a wide swathe of tax relief schemes that are not examined by the current review, he is failing to treat the residency rules as the obvious tax expenditure they are. If the Minister is undertaking an all-embracing review of tax relief, he cannot ignore and avoid a public examination of the residency rules. Otherwise all we can presume on this side of the House, as many people outside the House presume, is that the Minister is engaged in an academic exercise that will result in no change and, unfortunately, we will see many other "Prime Time" programmes in advance of the next general election. Many of these tax relief schemes will still be in place and the people who benefit from them, while perhaps not in his own circle, are people who have a history of supporting his party and the way in which his party runs its operations. Until the Minister can get rid of those implications by showing firm action on tax relief, they will remain in the public realm.

**Mr. Cowen:** The Deputy makes a presumption he is not entitled to make. There is no basis for such a presumption. He is entitled to the view that there should be no tax relief schemes in the country, if that is his view. As any Minister for Finance would, I review on an ongoing basis the opportunities that exist to raise revenue or economic activity or to create incentives for certain activities. These are judgments that must be made depending on economic and social circumstances.

I have outlined the first comprehensive structured review of the schemes outlined. I am examining those in the context of the consultations that have taken place. As one prepares the budget one can examine any number of tax relief schemes. I am explaining what I am doing. If, as his question suggests, the Deputy does not concede that any benefit has derived from these schemes, then the evidence is against him. I am prepared to await the outcome of the ongoing review. Our own eyes confirm, however, that significant benefits have been derived from these schemes. The issue to which I adverted in my budget speech was that I felt it was appropriate to see in what way we should strike into the balance potential benefits to investors through schemes which bring a wider community benefit, as well as a personal benefit in terms of investment in such schemes. The wider community derives a benefit from them. If the Deputy's ideological position is that he does not believe in them at all, then fine — we will agree to disagree.

**Mr. Boyle:** I did not say that.

**Mr. Cowen:** The Deputy did not say that but neither did he suggest that any benefit was to be derived from these schemes. I will cite some benefits, for example. There is a financial services centre in Dublin, with 20,000 of the best paid jobs in the country. There also happens to be an annual revenue take for the Exchequer of €700 million. I suggest to the Deputy that a more balanced reaction to all of this would lead to a more accurate assessment of the benefits — or what he perceives as the problems — of the schemes. That is fair enough and the Deputy is entitled to put that point of view. At no stage in his contribution, however, did he suggest that any benefit derived from them at all. I do not agree with him on that point.

The Deputy asked why I did not introduce a finance (No. 2) Bill on the basis of what he perceives I should do. That underestimates, however, the important economic interaction that occurs because of the existence of these schemes. I will await the outcome of the review before informing myself of that decision and will not pre-empt it, as the Deputy may wish. I will decide what, in my best judgment and based on Government approval, is the best interaction for the continuance, discontinuance, modification or alteration of these schemes, or a change in priorities as to whether private investment should be sought at all. We do live in a market economy and there is much private capital in the country. It may be open to people to consider, at least, whether some public benefit might be derived by the utilisation of that private capital into economic and social priorities that we would identify, in addition to whatever increased Exchequer allocation we are giving to it ourselves. Infrastructural and other deficits are often identified by the Opposition that seemingly require immediate solutions, yet the Opposition is not prepared to

examine access to every capital source in order to do so.

With respect to the Deputy, these are the sort of considerations that need to come into play. Throwing old jibes at me because I am a Fianna Fáil man will not work as far as I am concerned. My integrity remains at it always was. The Deputy can throw his jibes and play to his political constituency if that suits him. If it gets him a few votes at my expense, then fair enough. I advise the Deputy, however, to keep using the privilege of the House when he does so, because if he ever does it outside the House I will have a chat with him.

**Mr. Boyle:** The Minister seems to think I have maligned his personal integrity.

**Mr. Cowen:** He certainly did.

**Mr. Boyle:** I do not think anything I said would have done that.

**Mr. Cowen:** It did.

**Mr. Boyle:** Whom the Minister chooses to mix with is his business and that of his party. I asked why all tax reliefs were not being reviewed but the Minister steadfastly refused to answer that question.

**Mr. Cowen:** I will answer it now.

**Mr. Boyle:** The Minister can wait until I have finished my supplementary question.

**Mr. Cowen:** My apologies. I will certainly wait.

**Mr. Boyle:** In preparing this question, researchers from the Green Party contacted the Department of Finance and sought a comprehensive list of what tax reliefs were being reviewed. They were initially told that such lists could be prepared and would be supplied. They were told subsequently, however, that the information would not be supplied without the Minister's approval. Why is the Minister giving the impression that there is an open examination of all tax reliefs, when it is only a selective review of tax reliefs? The Minister is choosing whether or not that review will determine what reliefs will exist. We can have a wider debate at a time of the Minister's choosing as to which reliefs work and which do not. However, the Minister has chosen not to act. In his last Finance Bill he introduced new tax reliefs and extended the terms of existing tax reliefs without any cost-benefit analysis, so how are we supposed to take him seriously on this issue?

**Mr. Cowen:** I will tell the Deputy why. As Minister for Finance, I am entitled to introduce a budget and the Finance Bill, which, if enacted by the Oireachtas, becomes law. It is called a democratic mandate. The Deputy may have a different opinion on certain issues. When he has a suf-

ficient mandate he can come over to the Government benches and I will challenge him from the Opposition side. It is called democracy. I do not need a doctorate or a Harvard professor of law to tell me what I should do. I derive my mandate from the people and I take my advice wherever I can find it. I will make my judgments accordingly and I will defend those judgments. We should be able to do so and continue our public discourse in a way that does not challenge anyone's integrity. Otherwise, one can become tired of this stereotypical behaviour which does nothing for public discourse.

**Mr. Boyle:** What about my original question?

**Mr. Cowen:** The Deputy majored on the second part of his question. As regards the Deputy's original question, I have just explained that I decide what tax reliefs we will review. I have explained to the Deputy what ones we will review. There are reliefs that are not being reviewed because they were reviewed recently, while others are not subject to formal review in this structured proposal. In budgetary preparations, however, every possible scheme is examined and one makes a judgment on how to shape the budget. That is the position.

**Mr. Boyle:** Is the Minister saying, "L'État, c'est moi"?

**Mr. Cowen:** No. It is nonsense to suggest that there is any uisce faoi thalamh. There are issues of confidentiality, systems and a budgetary process which I have a mandate to utilise and protect. I am entitled to do so.

**An Leas-Cheann Comhairle:** We must move on to Question No. 20.

**Mr. Boyle:** Our mandate is to challenge

**Mr. Cowen:** I do not have to tell the Deputy my budget in the month of June.

#### **Public Capital Investment.**

20. **Mr. Bruton** asked the Minister for Finance his plans to introduce a new programme for prioritising capital projects; and the measures he is proposing in order that the past deficiencies in project evaluation, in cost overruns and waste will not be repeated in the next five years. [18653/05]

**Mr. Cowen:** Provision for public capital investment is set out in the five-year rolling multi-annual capital envelope introduced in budget 2004. This multi-annual commitment of resources, which maintains investment at or close to 5% of GNP or around twice the EU average, underlines the Government's priority to capital investment. The relative priority at programme level is set out in the various multi-annual allocations for Departments within the envelope.

Investment in excess of €36 billion, Exchequer capital of €32.6 billion and €3.7 billion in PPP

[Mr. Cowen.]

capital will be made available under the capital envelopes over the period 2005-09 to accelerate the provision of infrastructure to support sustainable economic and social development.

As Minister for Finance, my key role is to advise Government on prioritisation of resources at programme level for capital investment purposes and to set the framework within which capital programmes and projects must be appraised and managed by Departments and their agencies. Departments have extensive delegated sanction within this framework for project level appraisal and selection.

I have, with Government approval, progressed the work commenced by my predecessor on the roll-out of capital envelopes, on revising guidelines for the appraisal and management of capital programmes and projects, and on reform of the rules relating to public procurement and public sector contracts. These initiatives are designed to lead to better appraisal and management of capital programmes and projects and to assist the execution of programmes and projects within budget.

The capital envelopes also incorporate a facility to carry over to the following year savings of up to 10% of Voted capital. This feature is also facilitating better planning and management of capital projects and programmes and discouraging any tendency to rush end-of-year spending on inefficient measures.

The move to fixed-price public construction and construction-related contracts, and the shifting of risks to the private contractor, will result in a closer match between tender prices and final project outturn costs. Departments are already reporting evidence of better management of capital projects, notably in the transport area, where projects are being completed ahead of schedule and within budget.

**Mr. Bruton:** I am disappointed there will not be a new national development plan that would start to prioritise projects in a more coherent way. If the Minister is so happy with the delegated authority he is giving to Departments, will he assure the House that in all the many cases we have seen, these Departments have complied in every respect with his guidelines? For example, in the Kilkenny drainage project we saw an original quote of €13 million rise at design review stage to €24 million. At tender stage it rose to €35 million and on completion it cost €48 million. At each stage it appears the Minister gave his approval. I wonder if the re-evaluations he requires were done.

The Luas project, which was to have been connected and completed in four years at a cost of €450 million, ended up disconnected, taking eight years and costing €800 million. Is the Minister satisfied that these projects are applying the rules set by his Department? In the case of 19 roads projects we found that the costs rose by more than 80%, and the cost overruns for the overall

roads programme amounted to nearly €10 billion. I do not share the Minister's assurances that the Departments running these schemes have the capacity to deliver on time and on budget.

It is disheartening to hear that the Minister is not taking serious initiatives to properly prioritise programmes or properly control costs, or to audit the evaluations being delivered. Has he rejected the ESRI proposal for a unit to be set up in the Department to audit these evaluations? Has he rejected the ESRI assessment that the good habits learned when we had EU funds have largely been forgotten within Departments in terms of evaluation cost control and the delivery of results?

The Minister needs to reassess his reply and introduce a system in which the public can have greater confidence, which will deliver value from what he proposes, involving a spend of €60 billion, a huge amount of money, over the next five or six years. If things go wrong, we will have lost a great opportunity.

**Mr. Cowen:** It has been decided not to proceed as yet with another national development plan — the current plan runs to the end of 2006. The shape the next plan may take is an issue to be considered by Government in due course.

Regarding the figures regularly mentioned, it is pointed out in the report of the Comptroller and Auditor General and the report of the Committee of Public Accounts that the increases in costs can be attributed to the considerable expansion in the scope and number of the projects involved, a high rate of construction industry inflation in the early years of the programme — recognised by the PAC report — and some cost estimation deficiencies prior to 2000. Deputy Bruton mentioned in his statement certain differences of estimation which I am seeking to clarify.

The report of the Comptroller and Auditor General pointed out that in the estimated costs of the national roads programme 1999-2002, the increased costs can be attributed to construction inflation of 40%; changes in the scope of the projects, which added 20% to the cost; project-specific increases on projects with non-standard elements, such as the Dublin Port tunnel, which represented another 24% of the added cost; and the failure to cost certain elements, which added another 16%. That is an accurate reflection of the Comptroller and Auditor General's report on those issues.

The Deputy also asked about cost overruns on individual projects and named some of them. Measures have been taken to strengthen cost estimation and control. The coverage of cost overruns on individual projects contained in the appendix in the recent PSE report relates to projects completed in the years 2000-02 inclusive, and the cost outturns are compared with pre-construction estimates. Original scheme estimates used in the appendix date back in some cases to 1996. The fact that there are different figures relating to all that is not surprising. The expla-

nations are not ones I need to give as they are given in the Comptroller and Auditor General's report and by the PSE.

Deputy Bruton spoke of cost overruns of more than 80%. One can see in the appendix that taking inflation alone — using the Comptroller and Auditor General-derived inflation factors for the period — the cost overrun is not 75% but 18%. I present those figures for the sake of accuracy, in terms of how the Government sees the position compared with the Opposition's view of the matter.

Regarding the question of better cost estimation and control, nobody is implying there were no deficiencies in cost estimation and control in the past. Indeed, regarding the current roads capital programme, we are coming almost from a standing start in terms of new motorway or dual carriageway standards. There is 180 km of dual carriageway at motorway standard, half of the total inter-urban network under way. The Department and the NRA have strengthened the cost estimation and control and procurement procedures. Looking at pages 23 to 30 of the public capital programme for 2005, one can see a significant improvement in terms of cost estimation and outturn costs, as well as some projects coming in under budget and before time. That brings a little balance to this debate and the range of ongoing-assertions.

**Mr. Bruton:** I revert to the question I asked. Did these Department breach the guidelines issued to them by the Minister? For example, was the failure to cost 16% of the roads projects in breach of those guidelines? Regarding the changes in the scope of projects which accounted, between the non-standard and the standard, for 44% of the increases, did that comply with the Minister's requirements that a re-evaluation of the projects should be done to see if they remained justified at the new cost?

I have seen no evidence of re-evaluation of any projects contained in these programmes. The Minister may see matters differently, but the evidence I see is that these Departments are ignoring on a wholesale basis the guidelines issued by the Minister, while his Department does nothing about the matter. There is no point in the Minister issuing guidelines which look like good practice if the Departments freely feel they do not need to observe them, and ignore requirements like expenditure review initiatives. They ignore their responsibilities.

If the Minister wants to make his mark, he needs to reassert his authority in terms of how these projects are carried out. The Minister's predecessor lost credibility because of how he handled the Puchestown development. He destroyed credibility in the Minister's Department for proper evaluation and control and a proper approach to public spending. The Minister needs to reassert his authority and must do more than he has outlined in his very timid reply.

**Mr. Cowen:** I do not accept that my reply was timid. I regard it as a reply necessary in the interests of providing some accuracy regarding the assertions made on these matters by the political opposition in recent weeks, and in the interests of bringing some perspective and balance to the debate.

The new cost appraisal guidelines I have introduced since becoming Minister for Finance are being discussed with industry and as far as we are concerned will be in place by the end of this year. In the past, these matters under scrutiny related to price variation clauses and underestimation of land acquisition costs. As the Comptroller and Auditor General's report and the Committee of Public Accounts noted, one can point to specific instances where there were project-specific cost overruns. In the case of the south-eastern motorway, for example, land acquisition costs were cited as being particularly high.

Even when one looks at the outturn costs and takes account of the reviews taking place, involving the NRA or other bodies, the benefits brought by providing a national transport infrastructure for the first time, particularly through our roads programme and the inter-urban network, reflect a rate of return which justifies even the outturn costs of these projects. That is clear. The ESRI has made the point that even considering the outturn costs, a cost benefit is involved.

**Mr. Bruton:** The ESRI considered nothing on a project basis.

**Mr. Cowen:** Clarity is sometimes lost in attempting to set out the complexities of the issues for the public to consider in an accurate manner. It is not appropriate to apply project concept costs relating to mid-1990 figures to work done in 2002, 2003 or 2004. Clearly, the outturn costs on the projects involved would be different. Those in households know that in terms of capital works they undertook, there were cost differences. It is not fair to compare apples with oranges.

I accept, as was pointed out in the report of the Comptroller and Auditor General and that of the Committee of Public Accounts, that because we never undertook such a huge capital programme before, deficiencies in cost appraisals arose in the past. The NRA has dealt with those. One can see that the projects coming forward, such as the road developments in Monasterevin, Kildare, Cashel, Limerick, Ballincollig and Youghal, are coming in on time and within budget. The structural problem is also being addressed.

#### **Tax Reliefs Review.**

21. **Caoimhghín Ó Caoláin** asked the Minister for Finance the changes he proposes to make with regard to tax reliefs for the development of private hospital facilities; and if he will make a statement on the matter. [18651/05]

**Mr. Cowen:** Under the current scheme of capital allowances available with regard to private hospitals the hospital must have the capacity to afford medical or surgical services all year round, provide a minimum of 70 inpatient beds, outpatient services, operating theatres and on-site diagnostic and therapeutic services and have facilities to provide at least five specialist services, ranging from accident and emergency to oncology and cardiology etc. Section 24 of the Finance Act 2003 extended this relief to private hospitals providing acute services on a day care basis with accommodation for such services of not less than 40 beds.

While the hospital provides services to those patients with private health insurance, 20% of the bed capacity must be available for public patients, and the hospital must provide a discount of at least 10% to the State in respect of the fees to be charged in respect of the treatment of public patients. Rooms used exclusively for the assessment or treatment of patients qualify for the capital allowances and fulfilment of the conditions necessary for qualification for the allowances must be certified annually by the Health Service Executive.

The allowances are subject to a clawback if the building ceases to be a qualifying private hospital within ten years. Capital allowances of 15% per year are available for the first six years with the balance of 10% being written off in year seven.

It should also be noted that the European Commission assessed the scheme of capital allowances for private hospitals under state aid rules. To comply with these rules, the categories of excluded persons outlined in the legislation with regard to private hospitals covers property developers, companies, trusts or those involved in the operation or management of the hospital itself. This provision facilitated a decision by the Commission that the scheme did not represent State aid.

In the context of the review of tax reliefs currently being undertaken by external consultants, I have asked them to review the current scheme of capital allowances for private hospitals. In this regard I will not consider any proposals with regard to private hospitals until the review is complete.

**Caoimhghín Ó Caoláin:** Is the Minister aware that the Tánaiste and Minister for Health and Children, Deputy Harney, recently indicated her interest in extending so-called tax reliefs for private health facilities? Will the Minister share his view on that proposition with the House? Does he agree with Deputy Harney and her penchant towards pouring more money into the private health sector, while we see the public health sector stumble from crisis to crisis? I am interested in the Minister's position on this issue.

Nursing homes are among the private health facilities that have benefited from property based tax reliefs. Age Action recently reported that some €500 million was poured into the private

nursing care facility sector since 1997 with the introduction of these reliefs. Will the Minister confirm that figure? Can he also confirm that the owners of the Leas Cross Nursing Home benefited from this lucrative tax relief? Is he aware that those owners have had a chequered relationship with Revenue? These two points are not unrelated.

Will the Minister take the logical position and agree that there is a strengthened case, because of that experience and those facts, for the provision of public moneys directly into State services as against the current trend of more and more supports for the private sector in terms of health care delivery, be it hospitals or the range of other facilities under which these reliefs can apply? If the Minister will not join me in that view — we have teased out some of this before in terms of PPPs etc. — will he agree that any such tax reliefs earmarked for the private health sector should be conditional on strict adherence to the required standards of care for all residents, clients and attendees at these facilities, whether in terms of day care, short period stay or long-term residential care?

**Mr. Cowen:** It is not true that investment is going into the private sector while the public health sector gets nothing. There is historically unprecedented capital investment going into the public health sector since 1997. Whatever people may suggest about the past, this Administration has arranged for the largest amount of public capital and current investment into the health sector in the history of the State.

The Deputy asked my view on tax reliefs. I will await the outcome of the review so that I will be informed on our current position and then I will decide with colleagues where we go from here, what our priorities should be and what role, if any, private sector investment should play in addition to the role it already plays.

I am anxious to see the maximum possible level of investment in the health service from all sources. I am sure if the Exchequer was limitless, it would put more into the service. We should all consider the availability of access to capital, public and private, for the public good of improving our health service. We should also take into account all aspects of such a proposal and consider all of this carefully. In terms of it being a concept, the idea of private finance initiatives is something in which the new Labour Government has been involved in the United Kingdom, whether in education, health or elsewhere.

We must ensure we do not close off opportunities for further improving the standards of care that can be available to all our patients, including public patients, by deciding that only public capital should be the means by which we can improve services. We should be open to considering what role, if any, private capital may play. We must look at the pros and cons and see what issues arise and how we can deal with them and consider whether we would like to see a tax

to such a proposal. My attitude, therefore, is open. I am prepared to consider these matters on the basis of any proposal that comes before me and in the context of the current review.

The issue of private sector investment in nursing homes is separate. I do not have detailed information here and cannot tell the Deputy what tax reliefs related to that nursing home in Swords. To make a general point, I recall from Finance Bill discussions that the availability of tax relief for private nursing home care provided in the region of 11,000, 11,500 or possibly 13,000 more places in the nursing home sector in Ireland since the scheme came into being. These places were in addition to those extra services provided by the public capital programme for the elderly through nursing home care and community nursing units and those created by us having to improve the existing level of care that was available in public facilities. We may not have been happy with these public facilities but the lack was there because we did not have the available resources previously.

This is an area where we need to apply our minds. The point is that the question of resources, improved capital and improved current funding must be allied to a reorganisation of delivery of the services, whether care for the elderly, acute hospital care or community services. Our social partnership programmes leave no doubt that we must all commit ourselves to finding a better means by which we can improve the service delivery mechanism of these services, given the level of resources being applied. Quite apart from the private sector investment into which the Deputy is inquiring, public sector capital and current investment has been unprecedented in the history of the State in recent years.

**Caoimhghín Ó Caoláin:** It is acknowledged that many more places are now available in private care facilities, but the level of public care provision has not kept pace. The Minister signalled in his Budget Statement of last December that he would initiate a review of the various tax incentives. Will he examine each of these closely under each category? Will there be a specific examination of those who have benefited from these reliefs? Will an assessment be made of the return on the public investment? Will the return be compared with the return that would have been achieved if the moneys had been invested in the provision of public facilities, which should be an important aspect of the review? If such a comparison is not made, the review will not be complete and we will not be fully informed.

We all accept that the review, which is welcome, is necessary. I have no difficulty in awaiting the opportunity to engage with the Minister and other people in this House about the detail of the review. I hope it will be finalised sooner rather than later. The Minister and his colleagues have continuously lauded and applauded the unprecedented level of investment in the health services, which the Government has had the good fortune to direct since 1997. While I acknowledge

the level of investment, I do not detract from the premise I outlined earlier, that our public health services continue to stumble from crisis to crisis. I ask the Minister, rather than depending on the level of investment as a crutch, to take cognisance of the facts of the daily experience of ordinary people and accept that this serious problem needs to be addressed.

**Mr. Cowen:** I would like to speak about the private assessment of where we stand. The amount of money invested in the public capital investment programme is the amount of capital that the Government believes to be available in the context of its various budgetary requirements, such as the need to maintain growth in competitiveness, job creation and revenue. The Government decides on its priorities across all Departments. Nobody has argued that it is wrong that the Department of Health and Children has been one of the major recipients of capital funding.

When one examines the role of private sector investment in enhancing all sectors of the health service, one has to strike a balance between the potential benefit of such investment to a prospective investor and its possible wider benefit for the community. Such wider benefits can accrue if private capital is invested in areas of social and economic priority, as identified by the Government. Certain schemes are put in place by the Government, from the available Exchequer resources, to enhance and supplement the public capital programme. Demands are placed on Exchequer funds when services are provided across the full gamut of Government activity.

The Government has to make a judgment when striking the balance I have mentioned — it is not an exact science. People can have honest disagreements when making such decisions. When one has the responsibilities of a member of the Government, for example as Minister for Finance, one operates on the basis of one's judgment and one defends one's judgment. I do not expect unanimous approval when the House discusses the decisions I have made. That is too much to expect even when I am right, and I am never 100% right. One has to defend the judgments one makes.

Deputy Ó Caoláin spoke about the state of the health service. I have acknowledged that we need to address some structural issues if we are to deal with some of the difficulties in the service. We should not talk about a *status quo* plus model as if that would help to bring about visible and incremental improvements in some of the service pressures we have discussed, because that is not the case. Real improvements are taking place. The number of people who have been on a waiting list for over 12 months has decreased significantly. When the Government took office, 45% of adults had to wait more than 12 months for surgery. Some 80% of patients now wait less than 12 months for surgery — 37% of them have to wait for between three and six months and 43% have to wait for between six and 12 months.

[Mr. Cowen.]

While I do not suggest that the problem of waiting lists has been solved, the major reduction in waiting times should be acknowledged.

The total number of discharges in 2004 represented an increase of 35% on the figure in 1997. In other words, the throughput has grown by one third. The number of day case patients doubled between 1997 and 2004. The number of consultant posts has increased by almost 50%. I could speak about the increase in numbers of front-line staff, such as speech and language therapists and physiotherapists, who provide real services which offer additional value to citizens.

**Caoimhghín Ó Caoláin:** There is a real shortfall in the speech and language therapy service.

**Mr. Cowen:** The word "crisis" is probably the most overused word in political debate. I do not suggest that I am unaware of some of the problems which remain. The Tánaiste and Minister for Health and Children has provided increased resources because she is anxious to deal with further issues that need to be addressed. There have been significant improvements in capacity and personnel. I refer to front-line people who are doing good work. Deputy Ó Caoláin and I hear about the problems that exist, but I am sure if he is honest he will admit he has met many people who are happy with the level of service they have received within the health service. Not everyone is genuinely satisfied with the service they have been given, but the number of people who are happy with their experience of the health service is far higher than we are allowed to give credence to in this House.

### Other Questions.

#### Tax Code.

22. **Mr. Kenny** asked the Minister for Finance the total number of vessels qualifying for the tonnage tax concessions; and if he will make a statement on the matter. [18394/05]

**Mr. Cowen:** I have been informed by the Revenue Commissioners that no more than four companies have opted to participate in the tonnage tax scheme and, accordingly, paid tax in that manner. The total tax paid under the scheme in 2003 was €100,000. There does not appear to be cause for concern about the appropriateness of tonnage tax to the circumstances of any of the companies in question. The tonnage tax system was introduced in the Finance Act 2002 to help the Irish shipping sector when, like its counterparts in other EU member states, the sector faced the possibility of shipping companies relocating their economic activities to other countries, including countries with a tonnage tax regime.

Several member states have introduced a special low tax regime, known as tonnage tax,

under which tax is paid by reference to the tonnage of ships. The system applies in 12 EU member states, including Ireland. The member states' tonnage tax regimes had to be cleared with the European Commission for state aid purposes. The Commission is conscious of the need to protect the EU shipping sector. It took that key objective into account when it approved the various tonnage tax regimes, including that of Ireland.

**Mr. Bruton:** Will the Minister indicate the shipping sectors in which the four vessels in question operate? Do they operate in the freight sector, for example, or the private passenger sector? Can the Minister estimate the total amount of taxation that has been foregone? He mentioned that €100,000 was paid under the scheme in 2003, but how much tax has been foregone? Will the tonnage tax regime, which has been in operation for three years, be considered as part of the review of tax relief schemes that is taking place? The Minister hopes to outline the benefits and costs of the various tax reliefs to the Dáil when the review has been completed. Will the tonnage tax relief scheme be included in the review so that the Oireachtas can be informed on an ongoing basis of the benefits and costs of this system, which has been approved for state aid purposes by the EU?

**Mr. Cowen:** I do not think it has been envisaged that the tonnage tax system will be included in the review. I have no problem with ensuring that the system is examined in the context of the preparations for the 2006 budget, given the recent interest that people have shown in it. I do not think it was originally included in the review, but I can arrange for someone to examine it as part of the review.

The type of vessels that qualify for this type of tax are sea-going vessels of a sufficient size to engage in reasonable commercial operations and which comply with the requirements for navigation at sea imposed by the competent authorities of any country. Also included in the definition are vessels which are to be excluded from being a qualifying ship such as recreational vessels, including pleasure craft or dredgers.

I do not have information on tax foregone. Tonnage tax operates on the following basis. A company may elect into the tonnage regime. Where it does so, it must remain within the regime for ten years for all of its qualifying ships. The notional tonnage profit per day would be €1 per 100 tonnes, up to 1,000 net tonnes, which decreases to 25 cent for each 100 tonnes above 25,000 net tonnes. The 12.5% corporation tax rate is then applied to the total tonnage profit figure to arrive at the tax yield. However, a company cannot sustain the normal corporation tax regime based on normal taxation rules. It is a tax based on a notional profit for a qualifying ship dependent on the net tonnage of the ship or ships. The total notional profit for all the qualifying ships is

aggregated and the 12.5% corporation tax rate is then applied to this total to determine the tax change.

**Ms Burton:** Given that it has undergone renovation to enlarge its capacity as a passenger ship, does the *Christina O* yacht qualify for tonnage tax? Will the Minister confirm that this has already cost Irish taxpayers €40 million in tax breaks to a consortium of Irish investors, even though it cruises exclusively in the Mediterranean and the Bahamas? The yacht will probably never see Irish waters or an Irish port. Is it one of the four ships to which the Minister referred or has it just happened in recent times?

When introducing this tax break, the former Minister, Mr. McCreevy, tabled an amendment which made it clear that providing ship management services would qualify for tonnage tax. Will the Minister confirm if the yacht *Christina O*, which has been involved in such an attractive tax avoidance scheme for Irish high-rollers, is included in the four ships to which the Minister referred? I understand the profits calculated for tonnage tax purposes are approximately €50,000 and the total tax paid over a number of years amounted to just €100,000. One Irish shipping company, which I assume qualifies for tonnage tax, reported profits of approximately €25 million. Therefore, if one company has profits of approximately €25 million, the tonnage tax would appear to be a very significant deal for companies in terms of tax foregone. Has the Minister a view on such companies employing crews at wage levels negotiated according to trade union rates and normal pay and working conditions here?

**Mr. Boyle:** I understand from the Minister's answer that it is not four ships that are covered by this but the ships of four companies. Will he clarify how many ships are covered by this tonnage tax exemption?

**Mr. Cowen:** I do not have that information. I will try to provide it for the Deputy, but it is not included in the supplementary reply.

A company is not entitled to capital allowances in respect of ships that qualify for tonnage tax. The effect of this is that a company is not entitled to capital allowances in respect of capital expenditure on assets such as ships and other plant and machinery which are used in the company's tonnage tax trade for the duration of their use in the trade. Individual lessors are prohibited from obtaining the capital allowances which would otherwise be available in respect of capital expenditure on plant and machinery used in the company's tonnage tax trade.

**Ms Burton:** If the yacht is converted as in the case of the yacht *Christina O*, I understand one can get the accelerated shipping allowances and later convert to tonnage tax.

**Mr. Cowen:** I do not have information on specific tax issues. However, where capital allowances are sought for purposes which were not contemplated in the provisions of the tax Acts, Revenue challenge them.

**Ms Burton:** Will Revenue take a case against the consortium who own the *Christina O* yacht?

*Written answers follow Adjournment Debate.*

#### Adjournment Debate Matters.

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Finneran — that the Minister expedite the application for extension and refurbishment to a school (details supplied) in County Roscommon; (2) Deputy Cowley — if the Minister will agree to defer his decision to grant consent to install and commission the Corrib gas pipeline in the interest of health and safety; (3) Deputy Healy — the urgent need for the location of an emergency ambulance station at Carrick-on-Suir, County Tipperary; (4) Deputy Kelleher — the Minister's plans to establish a State agency for the co-ordination and promotion of green energy; (5) Deputy Walsh — the affordable housing scheme at Clonakilty, County Cork; (6) Deputy Ferris — the boarding of the fishing vessel Celtic Sun by the Naval Service on 27 May; (7) Deputy Deenihan — the implication of the loss of three teachers from a school (details supplied) in County Kerry; (8) Deputy Upton — that the Minister ensures that a person (details supplied) receives the services she needs from Our Lady's Hospital for Sick Children; (9) Deputy Crawford — that the Minister make a final decision on what support he will provide for wind energy; (10) Deputy Allen — the termination of employment by Cork University Hospital of an orthopaedic surgeon (details supplied); (11) Deputy Neville — the provision of a sewerage scheme for Shanagolden, County Limerick; (12) Deputy Costello — that the Government resolve the funding crisis threatening to close down Hill Street Family Resource Centre, Dublin 1; and (13) Deputy Morgan — that the Minister make a statement to the House regarding reports that there is asbestos in housing built in the State in the 1970s and early 1980s.

The matters raised by Deputies Crawford, Costello, Finneran and Ferris have been selected for discussion.

#### Estimates for Public Services 2005: Message from Select Committee.

**An Leas-Cheann Comhairle:** The Select Committee on the Environment and Local Government has completed its consideration of Vote 25 for the year ending 31 December 2005.



**Grangegorman Development Agency Bill 2004:  
Report Stage (Resumed) and Final Stage.**

Debate resumed on amendment No. 73:

In page 17, line 37, after “site,” to insert “Dublin Inner City Partnership.”

— (Deputy Gregory)

**Minister for Education and Science (Ms Hanafin):** In response to the comments made earlier, these amendments are unnecessary because section 21(2) already provides that the definition of “stakeholder” may include any person that either the Minister or the agency considers relevant. This covers adequately the Deputy’s proposed amendment. Amendment No. 77 is not appropriate.

The residents of the Grangegorman neighbourhood will nominate their representative to the consultative group. The appointment will be made by the agency responsible for constituting the consultative group. They will nominate and the agency will appoint.

Amendment put and declared lost.

Bill recommitted in respect of amendment No. 74.

**Ms Hanafin:** I move amendment No. 74:

In page 17, lines 39 to 40, to delete all words from and including “Northern” in line 39 down to and including “Authority” in line 40 and substitute “Health Service Executive”.

Amendment agreed to.

Bill reported with amendment.

Amendment No. 75 not moved.

**Ms O’Sullivan:** I move amendment No. 76:

In page 17, line 42, after “Minister” to insert the following:

“, Dublin Inner City Partnership, North West Inner City Network”.

Amendment put and declared lost.

Amendment No. 77 not moved.

**Ms O’Sullivan:** I move amendment No. 78:

In page 18, to delete lines 1 to 5.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Amendments Nos. 79 to 83, inclusive, not moved.

**Ms O’Sullivan:** I move amendment No. 84:

In page 23, between lines 16 and 17, to insert the following:

“(3) A register of disclosure under this section shall be made available for public inspection on similar terms to the register under section 27(7).”.

The amendment is intended to ensure the register of interests will be made available for public inspection under this section on similar terms to the register under section 27. This is also intended for consistency.

**Ms Hanafin:** The parliamentary counsel advises that the section, as drafted, is standard and that it would be inappropriate to include the amendment. Provision is made in section 27 for a register of interests to be maintained by the agency and a further register could be unwieldy. I, therefore, do not propose to accept the amendment.

**Ms O’Sullivan:** Public access to the register is provided under section 27(7) but public access to a disclosure of a conflict of interest is not provided under section 28. I am concerned that conflicts of interest will not be subject to disclosure. Will the Minister comment on this?

**Ms Hanafin:** The advice is they are probably covered by section 27 because the register of interests must be public and, therefore, a conflict of interest would be obvious.

Amendment, by leave, withdrawn.

**Ms O’Sullivan:** I move amendment No. 85:

In page 24, between lines 25 and 26, to insert the following:

“(3) Reference to this section is inserted in Part I of the Third Schedule to the Freedom of Information Act 1997 and that Act shall apply to the Agency.”.

The amendment seeks to ensure the Freedom of Information Act 1997 will apply to the agency.

**Ms Hanafin:** I agree with the Deputy’s intention but the appropriate mechanism is for the Minister for Finance to make an order under freedom of information legislation, which would extend the regime to the agency. I will arrange this with the Minister at the appropriate time.

Amendment, by leave, withdrawn.

Amendment No. 86 not moved.

**Mr. English:** I move amendment No. 87:

In page 27, line 20, after “require” to insert the following:

“in particular, such information as the Minister may require in order to furnish a full response to parliamentary questions”.

This issue was addressed on Committee Stage and the Minister stated there is nothing to prevent the agency from providing information to the Minister. However, I seek the inclusion of a reference to replies to parliamentary questions. It is difficult to obtain information from Ministers and Members are often told to contact State bodies. I fail to see why the amendment cannot be accepted. If the Minister's intention is to reply to all parliamentary questions, as she stated on Committee Stage, there is no reason to refuse to take it on board. It might come in handy if she is ever on this side of the House.

**Ms Hanafin:** I hope not to be.

**Mr. English:** It would do the Minister no harm in the long run.

**Ms Hanafin:** The Bill provides for information to be made available. When parliamentary questions regarding other agencies under the Department's aegis are tabled, I ask my officials to obtain the necessary information for the replies. Section 35(4) permits this. It is our intention to reply to parliamentary questions on the basis that they relate to an agency. It is not necessary to specify this as it is covered by other sections dealing with the availability of information.

**Mr. English:** The issue is ensuring the information is delivered to Members and, therefore, I press the amendment.

Amendment put and declared lost.

Bill recommitted in respect of amendment No. 88.

**Ms Hanafin:** I move amendment No. 88:

In page 28, line 16, after "group" to insert "or a Project Working Team".

Amendment agreed to.

Bill reported with amendment.

**Ms Hanafin:** I move amendment No. 89:

In page 30, line 4, after "Survey" to insert "Ireland".

The amendment corrects a typographical order. The reference to "Ordnance Survey" should properly read "Ordnance Survey Ireland".

Amendment agreed to.

**Ms Hanafin:** I move amendment No. 90:

In page 30, between lines 8 and 9, to insert the following:

#### SECOND SCHEDULE

#### GRANGEGORMAN NEIGHBOURHOOD

The Grangegorman neighbourhood shall

comprise the electoral divisions (wards) of Arran Quay A, Arran Quay B, Arran Quay C, Arran Quay D, Arran Quay E, Inns Quay B, Inns Quay C and Cabra East C (as at 18 May 2005) which are delineated with a continuous blue verge line on the Dublin City Council map marked 'Grangegorman Neighbourhood' and bearing the seal of the Minister for Education and Science and the date 25 May 2005 which map is deposited in the Department of Education and Science, Marlborough Street, Dublin 1."

Amendment agreed to.

Bill recommitted in respect of amendment No. 91.

**Ms Hanafin:** I move amendment No. 91:

In page 30, to delete line 19.

The Dublin Institute of Technology has advised that the premises at 40-41 Sean McDermott Street have been sold and are no longer owned by it.

Amendment agreed to.

Bill reported with amendment.

**Ms Hanafin:** I move amendment No. 92:

In page 30, after line 32, to insert the following:

#### FOURTH SCHEDULE

#### ELECTION OF RESIDENTS' NOMINEE TO THE AGENCY AND RESIDENTS' MEMBERS OF THE CONSULTATIVE GROUP

1. The chairperson of the Agency shall have responsibility for making the arrangements for the first election of the residents' nominee to the Agency and 2 residents' members of the Consultative Group in accordance with the provision of this Schedule.

2. (1) Within one month of his or her appointment, the chairperson of the Agency shall invite community groups and associations, including resident and tenants associations, parish and district associations and groups, sports clubs, and similar non-commercial groups in the Grangegorman neighbourhood, to register as an interested 'registered group'.

(2) The register shall remain open for not less than 21 days ('the registration period').

(3) The chairperson of the Agency shall, within 14 days of the expiry of the registration period, publish a list of the registered groups on a website and make such other arrangements as he or she deems appropriate for the publication to the Grangegorman neighbourhood of the list of the registered groups.

3. (1) The chairperson of the Agency shall arrange a meeting of registered groups ('election meeting') to take place as soon as practicable after the expiry of the registration period. The purpose of the election meeting shall be the election of the residents' nominee to the Agency and the 2 residents' members of the Consultative Group.

(2) Not earlier than 14 days after the expiry of the registration period and not later than 21 days prior to the election meeting, the chairperson of the Agency shall call for nominations for appointment to the Agency and to the Consultative Group.

(3) The chairperson of the Agency shall notify each registered group of the valid nominees not less than 14 days before the election meeting. The chairperson's decision on the validity of a nomination shall be final.

(4) Each nominee must be nominated by at least 2 registered groups. The nomination must specify the name and address of the person nominated, the position for which he or she is nominated and the registered groups who are proposing the individual for nomination.

(5) Only persons resident in the Grange-gorman neighbourhood and registered in the Register of Electors for an electoral ward within that area may stand for election or vote in the election.

(6) Each registered group may be represented by not more than 2 persons at the election meeting. Each of these persons shall be entitled to one vote at the meeting.

4. (1) Voting at the election shall be by secret ballot and by means of a single non-transferable vote.

(2) The chairperson of the Agency shall provide a ballot paper listing, in alphabetical order, all valid nominations in respect of the election of the residents' nominee to the Agency and the residents' members of the Consultative Group. The nominee shall be identified on the ballot paper by name and the organisation he or she represents.

(3) The ballot paper shall be distributed at the election meeting to all persons entitled to vote. The chairperson of the Agency will call for the ballot and arrange collection of ballot papers and the counting of ballots.

(4) The individual who receives the highest number of votes shall be deemed to be elected to the position for which they were nominated. An individual may not simultaneously represent the residents on the Agency and be a member of the Consultative Group and, in the event that an individual receives sufficient votes in respect of both positions, he or she must elect one position and will be deemed to have forfeited the other position and the indi-

vidual with the next highest number of votes in that election shall be deemed elected.

(5) The result of the ballot shall be announced as soon as possible after the counting of the ballots.

5. The chairperson shall inform the Minister of the residents' representative to the Agency and shall inform the Agency of the residents' members of the Consultative Group within 3 days of the election meeting.

6. (1) In all subsequent elections the Chief Executive will be responsible for carrying out the functions of the chairperson of the Agency hereunder.

(2) The second or subsequent elections must take place not more than 14 days prior to the expiry of the term of office of the outgoing member or as soon as practicable thereafter.

(3) In the event of a casual vacancy arising in relation to the residents' nominee to the Agency or residents' member of the Consultative Group, the chairperson of the Agency shall, within one month of the vacancy arising, seek nominations for appointment to the vacancy from the existing list of registered groups and shall arrange an election meeting as soon as practicable thereafter."

Amendment put and declared carried.

Bill, as amended, received for final consideration and passed.

*Notice taken that 20 Members were not present; House counted and 20 Members being present,*

### **Maritime Safety Bill 2004 [Seanad]: Second Stage (Resumed).**

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

**Mr. Boyle:** In principle, the laying of this Bill before the House is welcome. Everyone agrees there is a need for improved legislation on maritime safety. Particular issues have arisen over this past decade of added prosperity, where people are experiencing the type of maritime traffic on our beaches and coastlines we never had to anticipate in the past. This is particularly true of fast powered watercraft, such as jet skis and speedboats. There has been some attempt to address this issue at local government level. A colleague on Youghal Town Council, Councillor Liam Burke, has been banging this drum for a long time. The lack of either local by-laws or national legislation on jet skis means a plethora of accidents is waiting to happen.

On that level alone, the introduction of this Bill is welcome.

It is to be hoped that the Bill, when passed, will give local authorities additional powers within

their own by-laws to specify the type of watercraft may be used in their areas, the places they can be operated in and the speed at which they can travel. The current openness of usage of such vehicles is unacceptable and while there have been a number of serious accidents, the question is why many more have not happened in the existing unregulated legislative environment.

The measure in the Bill dealing with unseaworthy vessels is welcome. This is an area to which we must pay particular attention because we have just heard, in response to questions to the Department of Finance, that a taxation measure has been adopted in the last three years to allow us to compete with other countries that have adopted a low tonnage tax regime for international vessels. This measure means that Ireland can compete with countries such as Liberia and Barbados. However, the danger of this approach is that while it might encourage companies with a large number of vessels to standardise their tax regime in Ireland at very low rates, it may also attract vessels of an unsound type. My party is not convinced that the Government and the regulatory authorities have spent sufficient time ensuring that such tax reliefs are not applied to vessels that are plainly unseaworthy and that the policy itself is not attracting such vessels. The Minister of State, in his response, may try to convince us otherwise but we must be more proactive and vigilant in this area.

The provisions in the Bill dealing with the use of drugs and alcohol are such that one must ask why they were not introduced before now. There was obviously a major lacuna in maritime safety legislation in that we have not been able to monitor or take people to task who are not in control of vessels at sea. While the open ocean is a vast expanse where people in various stages of inebriation or intoxication might appear to be incapable of wreaking havoc, incidents involving other maritime traffic will always expose deficiencies in this area.

The Bill takes into account our coastal waters but does not include waters under the management of Waterways Ireland. While I appreciate that the division of Government responsibilities means that Waterways Ireland is under the jurisdiction of the Department of Community, Rural and Gaeltacht Affairs, the Minister of State might explain why this is the case. We are dealing with legislation on maritime safety which is as important on our inland waters and harbour areas as in our coastal regions. I accept that harbour companies are part of this legislation but there is a danger that an individual taking a vessel from the coastal waters through a harbour into an inland waterway might escape the full rigours of this new law if he or she is in an area that is not the responsibility of the Department of Communications, Marine and Natural Resources or a harbour company, in effect, an area managed by Waterways Ireland. If that type of double standard is allowed to exist, it will be a poor day's work in terms of producing proper legislation.

On the question of public acceptance of and demand for this legislation, the central measure is the obligation for children up to the age of 16 to wear a life-jacket while on board pleasure craft. Again, this is so obvious that it begs the question as to why it has taken so long to put such a provision into legislation. However, it would be churlish to deny that it is an important provision and the House will wholeheartedly support it.

The Minister of State, coming as he does from County Donegal, will be aware of the type of safety conditions that existed in the past. When I was a child visiting my father's island of Arranmore, the ferry was not the modern vessel it is today but a fishing boat. The safety measures consisted of a tyre on either side of the vessel, as one travelled for 30 or 35 minutes from Burtonport to Arranmore. That was not that long ago. It was in the past 20 or 30 years that we permitted those standards to exist. It is an indication of progress that we have gone beyond such standards.

I ask that more attention be paid to and greater resources provided for the coastguard service. The service is voluntary and for an island nation, the small, albeit growing, resources that have been invested in it do not match up to the level of resources that should be provided and the type of organisation that should be allowed to exist to protect our coastline and provide support for coastal communities.

In my constituency, we have the advantage of having a number of excellent coastguard groups in Oysterhaven, which will shortly be transferred to a new Dáil constituency, and Crosshaven. The coastguard group in the latter area operates in premises that, to all intents and purposes, have not been renovated since the turn of the century. While I appreciate that the group in Oysterhaven operates from relatively new premises, I would welcome an indication from the Government of a long-term programme to ensure that all coastguard groups operate from modern premises and are fully resourced by a set date. The end of this decade would be a good target in that regard.

There is also a need to integrate fully the coastguard organisation — a voluntary service on the whole — into the emergency services. There is already a close relationship between members of coastguard groups and the local fire brigade service, but the coastguard should become a more important part of the major emergency plans in certain parts of the country. My constituency, for example, is an area that needs a major emergency plan that will work effectively in the event of an accident because of the location of many high-risk industries in Cork Harbour. The coastguard, because of its expertise and experience, can play an important role in the event of the major emergency plan being activated.

While the Bill contains many necessary legislative provisions, there is a question surrounding the size and level of fines and how effective they will be once the legislation is enacted. That question may come within the scope of other legislation,

[Mr. Boyle.]

due to be put before the House by the Minister for Justice, Equality and Law Reform, dealing with fines in general. However, when the House passes a Bill of this nature, it should take into account that what seems to be an acceptable fine at present will soon appear a paltry or minuscule sum because of inflation, the passage of time and the lack of opportunity to review such legislation in a timely fashion. Perhaps an index-linking mechanism could be built in to legislation. I am not sure if that is possible. It is something for the Parliamentary Counsel to examine. If not, maybe a review could be carried out in the area of fines. This is one of the few cases where I would approve of a ministerial order being put into a Bill and subsequently being enacted without new legislation. The Minister could be given additional power to review every three or five years the need to increase fines.

I welcome the Bill and hope it will be backed up with adequate resources that will allow all bodies concerned — harbour companies, agencies like the Coast Guard and, in particular, organisations coming on stream with regard to the use of fast-powered watercraft — to work collectively to ensure needless deaths or accidents do not occur.

**Mr. M. Brady:** As a Deputy representing a coastal constituency covering Howth, Sutton and Baldoyle, I congratulate the Minister on bringing forward this legislation which represents a decent effort to curb activities of mechanically propelled watercraft and which will regulate an element of our leisure sector which needs to be brought into line with modern thinking and living. I accept the point made by Deputy Boyle concerning inland waterways where the activities pursued are just as dangerous as those at sea and elsewhere.

This problem has grown over the years in part because people are looking for more adventure in their leisure time, have extra leisure time to spend and have the resources to purchase and maintain expensive craft of a wide variety of designs, from speedboats to personal watercraft, better known as jet skis. Everybody is entitled to do that but this sector must be regulated in the interests of safety and for the enjoyment of the majority, given the many incidents, some fatal, in the recent past. I am not enthusiastic about regulating every element of our lives but where health and safety is concerned, where the environment is at risk and where people feel they can do what they like without regard for others, we have not only a right but also a duty to step in and make rules.

While they will come within the scope of the Bill, I am not sure that those families, for example, angling friends or boating enthusiasts, who set out regularly in the summer for a few hours fishing or exploring otherwise inaccessible parts of our coast or lakes, will have anything to fear from this measure. Anyone who currently uses common sense and has regard for the safety

and enjoyment of others will have no difficulty in complying with the provisions of the Bill and the regulations and by-laws which will emanate from it.

The time is long overdue when a discipline which has not emerged naturally must be imposed on the use of fast, mechanically propelled craft. The sooner this legislation is put on the Statute Book the better. There are far too many people abusing our leisure waters. I will not point the finger at young or old, male or female, because this behaviour goes right across the board. A high percentage of people who operate these jet skis do so with little regard for others. Some put people's safety at risk with their high-powered demonstrations of macho skill which impinge on the enjoyment of people fishing, swimming, on the beach or on the riverside with the incessant noise. If one is fishing, one has to pack it in due to the noise and disturbance created by jet skis. Everyone's enjoyment is ruined as a result.

There is very little to recommend these machines in the close quarters in which they are often used and nothing to recommend them when they put at risk people's lives through the near criminal behaviour of those using them. I have witnessed examples of this behaviour while fishing and have some idea of the damage, harassment and inconvenience that can be caused by irresponsible use of such craft. I hasten to add that those who engage in such activities are few enough, but in the context of general water users, they represent a reasonable percentage.

Perhaps the one vessel which causes people most problems is the so-called jet ski or personal watercraft. An increasing number of authorities around the world are meeting the growing danger and annoyance caused by these craft and have introduced stringent by-laws to regulate their use. Others have taken the more drastic step of banning their use in their jurisdictions, although I would not advocate such radical measures here.

Jet skis are expensive to buy. They are glorified motorcycles which can travel on water at speeds of up to 65 miles per hour. While people under 16 years of age are banned from using them, a difficulty arises in that users are not required to undergo any type of prescribed safety training, such as wearing safety belts, or are not aware of safety issues. There are various organisations which could provide such training and those who purchase jet skis, usually people in the 18 to 30 age bracket, should have to undertake safety training of some nature. People who drive motorcycles and cars are required to undertake training and tests. It is regrettable that we tend to focus on such issues when tragedy strikes. I know of one case last year where a 15-year-old boy in Youghal died when his jet ski hit a speedboat.

Enforcement of this legislation will rest with the Garda Síochána. However, the Garda are deployed in other areas and may not have time to police it. Reference was also made to possible involvement by the Irish Coast Guard Service,

which may be the best body to police the legislation, given its involvement in activities around the coast and the fact that many of its members act in a voluntary capacity.

The legislation mentions a €2,000 fine and seizure in certain cases for breaches of the legislation. Anyone who has visited the Continent will know the use of jet skis is restricted to certain areas away from beaches. These areas are marked. The noise of a jet ski can disturb the tranquillity of a beach on a calm evening. They also cause a great deal of fear among people. I congratulate the Minister for trying to introduce controls in this area, which is an important first step in dealing with the issue.

There has been a great deal of comment about safety training for people on yachts, power boats and other vessels. It should be incumbent on the suppliers of these machines, usually to those between 18 and 30 years, to insist on safety training courses for those who wish to buy them. If we started from that basis, those operating such equipment would behave more responsibly. The use of jet skis in Ireland is not a widespread phenomenon. However, given the affluent society in which we now live, many people can afford to purchase jet skis. We often see them parked outside driveways. Possession of jet skis may become a popular social symbol in the near future.

While I welcome the introduction of the legislation, I am concerned about its enforcement following enactment. I am also concerned about Garda involvement given deployment in other activities. It is probable that the tourism industry will seek to ban the use of jet skis on our beaches. Such a ban is necessary given that many young people use the beaches. Many holiday destinations abroad have zoned particular areas for the use of jet skis. While they are located away from beaches, swimmers often encounter users of jet skis speeding towards them and it does create fear.

The noise of these vehicles disturbs the tranquillity of our waters. I suggest that if they are not banned completely, they should be restricted to areas not used by swimmers and so on. I am extremely concerned about their use in any area. I would be happier if we recommended in the legislation that suitable safety training be introduced for those wishing to use these craft. Currently, a person can purchase a jet ski with the minimum amount of safety training in terms of the use and power of the craft and can then take it out on the water.

The legislation is a step in the right direction. Local authorities will act responsibly in this matter and will, in many cases, ban the use of jet skis from beaches. That may have to happen and if they are to be used, they should be used in controlled areas.

Given that we do not allow indiscriminate car racing along our roads and crowded streets, I do not understand why people feel free to use the crowded waters off popular beaches for the reckless use of personal watercraft. We insist that new

drivers of cars and motorbikes take lessons and pass a stringent test before they take what can be a lethal weapon onto the roads. However, jet skis and powerful motorboats have the potential to be lethal in the same way as motorbikes and cars. People should undertake a training course to learn how to use the craft properly. They should ensure they have the right equipment, such as buoyancy aids, wet suits and so forth.

It is important that they know what to do if they get into difficulties. I have no wish to promote a nanny state of over-regulation but if regulations are needed in respect of road vehicles, they are also required in respect of water craft.

A welcome provision of the Bill is that local authorities can draw up by-laws to cover their functional areas. The imposition of blanket restrictions would not take into account local conditions and the differing topography of the coast. A body of water 30 metres offshore might have a depth of several metres but in other coves and beaches one can wade out a couple of hundred metres without being out of one's depth. Water craft users should be made aware of this.

I welcome this measure from a political and functional point of view. There is a perception that powers are constantly being taken away from local authorities. We must promote local democracy where we can and be seen to do so. That is not to say there could not and should not be consistency between local authorities where possible rather than all local authorities going their own way. We should standardise when it is appropriate.

The Bill will attract ready support from the public. I receive many complaints, particularly from angling clubs, about jet skis. Many people are tired of having their Sunday afternoons and holidays ruined by the incessant noise and disruption of fast craft in their bathing waters. They must be constantly on the alert not only for the usual dangers to young bathers but also to the imminent arrival of jet skis. In the words of the promotion I quoted earlier, such craft can "slice a buoy to ribbons with surgeon-like expertise".

Many other dangers have to be catered for in the course of a water based holiday or a day at the seaside. Anything we can do to promote water safety, to highlight the dangers involved or, as in this Bill, to try to eliminate the reckless use of dangerous craft must be pursued. I do not hesitate in commending the Bill to the House. I congratulate the Minister on bringing it forward. It is important legislation to ensure that safety prevails on our waterways.

**Mr. Connaughton:** I welcome the Bill, which is long overdue. I recall that in 1999, 2001 and 2003 attempts were made to provide for the safety of people who use the sea and waterways. For a variety of reasons, none of which I fully understand, they did not succeed. I compliment the Minister of State. If anybody understands the importance of this legislation, he does. This Bill is badly needed.

[Mr. Connaughton.]

Everybody accepts that as this country gets more affluent, people have more disposable income. That can be seen in the houses they build, the cars they buy and the sports in which they participate. It is only reasonable to assume it will increase participation in water based activities. That is what has happened. What was outside the reach of a normal family until recently is now well within their reach. I hope more people become involved in water based activities. There is a great future for that sector. We are surrounded by water and there are many unused inland waterways that could be developed. The CSO figures released last week indicate there will be a huge increase in population over the next ten to 15 years. Obviously, water activities will be among the leisure pursuits of many thousands of Irish families.

In an ideal world, one would prefer that there were no rules and that people would act responsibly. However, in this world, if enough people get together to do something, some control measures will be required. Water based activities are no different.

There are many aspects to this legislation but I wish to focus on jet skis. Undoubtedly, it is nice to spend a pleasant summer evening near a peaceful beach. However, if there are a few louts on jet skis, coming too close to the water's edge, revving the engines as much as possible and getting up to dangerous antics — although they are not all irresponsible — it is easy, even for somebody who is unfamiliar with jet skis, to see how an accident could occur.

Furthermore, one would also fear that a type of cult following would emerge for such activities, a little like the motorbike brigades of old. If there were groups of these people travelling from one remote part of the country to another, there could be great difficulty if they got out of control. That is the reason safety measures, controls, fines and so forth must be implemented. We hear much talk about anti-social behaviour. It would be unrealistic not to expect it to find its way into water based activities. There are louts and yobs who will have no trouble finding the money to buy jet skis and so forth, wherever that money comes from, and who will take great pleasure in terrorising people, particularly the elderly, who are out for a stroll by the water.

There is a worse aspect to this. There are many small isolated beaches and fishing grounds in remote parts of the country. These are attractive for people escaping our frantic lifestyle who wish to spend a peaceful day or couple of hours at the water. When these louts appear on jet skis it results in the area getting a bad name. Some parts of the country are so popular that they can overcome such a problem but something like this occurred in south Galway a couple of years ago and it created havoc. For some reason it stopped and I have no wish to see a return of such carry on.

The legislation attempts to make the owners and operators of vessels more aware of their own safety and the safety of the people they transport.

The legislation will be implemented by the local authorities, and I have no problem with that. There are many parallels to this, one of which is the National Roads Authority and the new speed limit signs on the roads. However, I presume local authorities will not be able to do what they wish. Obviously, it is important that they take responsibility for the implementation of this legislation within their areas. However, to ensure overall consistency, I assume there will be overarching directives the local authorities will have to accept. The Minister might refer to this when he sums up. A pattern might emerge of a lego-land in which every local authority acts differently and where, half a mile up the road in another local authority area, there might be a different interpretation of the legislation. While I cannot imagine what the differences would be as I am not *au fait* with the detail of the Bill, the Minister might indicate the common denominator in regard to the limit of the powers of local authorities.

We know the objectives of the legislation. However, I understand from the Minister's speech that bodies such as Waterways Ireland, the harbour companies, Iarnród Éireann and, with regard to the fishing harbours, the Department of Communications, Marine and Natural Resources, are independent republics. The Bill does not impinge on such bodies or, if it does, they have responsibilities for its implementation whereas the local authorities in those areas are not involved. Why was it not possible to ensure that a local authority in a given area was involved? While I accept Waterways Ireland would be involved, for obvious reasons, why, for example, should harbour companies and Iarnród Éireann be exempt from the same legislation in a given local authority area? Why was there not broad brush, national legislation to cover these matters? Why was the Bill fragmented? I see no reason for it.

The holiday season is almost upon us. Unfortunately, according to tourism managers I have spoken with, the number of foreign anglers who visit Ireland is diminishing rapidly. I hope this trend will be arrested because Ireland has much to offer. A point about angling connected to the debate on the Bill is that it tends to be concentrated in areas that are not blessed with many specific tourist attractions — I think of areas in north of my constituency close to Glinsk and Ballymoe on the Roscommon border. Local men and women in such areas spent years trying to organise angling clubs to try to attract visitors. They find it bewildering that, whatever has gone wrong, not as many overseas anglers visit as did previously, and nobody seems to understand the reasons for this. In the context of the Bill, it is vital we ensure that the local environment is as peaceful as possible. Therefore, unruly noise

from jet-skis, power boats and cruisers must be controlled.

This brings me to a matter raised by Members on all sides, namely, how the legislation will be policed. As sure as night follows day, the House will pass the Bill; I have not heard anyone speak against it. The riding instructions will be given to the local authorities and they will duly pass the by-laws. The matter will then be the responsibility of the Garda Síochána, which is possibly the only body that can implement the laws. However, if one is out at sea or in the middle of a lake and witnesses anti-social behaviour, who will be responsible for stopping it? While I accept it would be stopped without difficulty in certain well-known tourist locations, how long would it take in more isolated locations for the powers that be to catch those who are, to put it bluntly, acting the maggot? How sure are we that we will have the type of enforcement capacity to ensure the Bill does not become nonsensical? This question has been discussed in both Houses of the Oireachtas but a question mark remains as to whether the Bill will be properly policed.

When are we likely to see law-breakers being brought to court? I accept we are speaking in a vacuum because the Bill is only now being introduced. However, it would be fair and reasonable to assume that unless more funding is invested in the system for policing the implementation of the Bill, we might as well not debate it in the House.

The former Minister for Communications, Marine and Natural Resources, Deputy Dermot Ahern, introduced the legislation for compulsory wearing of lifejackets. I believed at the time that the measure was necessary for those working on boats, such as fishermen, and for those using pleasure craft. I understand the Act applies to persons aged over 16. However, I have not heard of anybody being brought to court for not wearing a lifejacket. I assume that, as in most walks of life, not everybody obeys the law immediately it is enacted. Is it the case that every boat user had a change of heart and duly procured a lifejacket, or that this law is being flouted every day of the week, which would tally with my information? The Minister is in a better position to know about this matter than I. What is the situation? The principle is the same as wearing a seat belt in a car. It is extremely important that those who make their living on the sea or in inland fisheries wear lifejackets.

On another matter, I heard the Minister speak at a safety demonstration in Sligo last Sunday. I ask whether the leisure industry, the Department and related groups do enough in regard to safety. I would expect it to be a significant aspect for individuals and groups involved in the leisure industry. The training acquired at such safety demonstrations is vital and more should be done in this area. Is it possible for some sort of small financial bonus or incentive to be built in to the system so that groups and organisations would want to carry out such demonstrations? The Government can do nothing if members of the

various groups which make up the water-based leisure activity sector are not motivated. Something should be done in that regard.

The Minister of State mentioned the licensing of vessels which are more than 24 metres long. There was some reference to vessels between 12 and 24 metres. Do they receive half a licence? If so, why is that the case? Does this mean that there is no licence for vessels less than 12 metres long? What are the owners of such vessels to do? It is important that the register to which the Minister of State refers includes all vessels. The cost involved in licensing a vessel which is longer than 24 metres would be much greater than a vessel which is eight, nine or ten metres long. However, it would be a case of horses for courses. It is important to know why vessels under 12 metres long do not come under the remit of this Bill.

The hydrographic service is very important. Anything connected with science below the water level is hugely significant for those of us concerned with the effects on the Shannon and Suck of flash flooding. The information gleaned from this service should be made available to a variety of people whether for free or for a charge. This major survey will result in expertise and information. There will also be a very useful survey of the sea bed. I am interested in terms of flash flooding of the Shannon and the effects that has on its tributaries. Money is now being pumped into this service and its primary purpose is shipping. Waterways Ireland will obviously have a major say in that regard. However, the information and advice that will be collected from the hydrographic survey is very important and many people who have nothing to do with waterways will want to have this information at their disposal. I wish the legislation well and sincerely hope that when it is passed, the Department will be able to police it.

**Mr. P. Breen:** I also welcome the Bill. Today is 1 June and the tourism season is beginning to get into full swing. Therefore, it is important the legislation is passed as quickly as possible.

The Bill covers many safety issues regarding holiday makers and leisure activities. Ireland is an island and it is important that we have tighter legislation in respect of this sort of activity. Deputy Connaughton spoke about our Celtic tiger economy. We are very well off these days and people have taken to aquaculture in a big way, particularly in terms of water-based sports. I am sorry the Bill was not introduced a few years ago, but it is better late than never. However, it will have some impact on this holiday season. Therefore, speedy enactment is very important.

There were 51 accidental deaths by drowning in 2003, some of which involved young children under the age of four years. One life lost in our waters is one too many. I hope this Bill will reduce the number of accidental deaths on our waters, whether inland or coastline. I commend the rescue services in the Department of Communications, Marine and Natural Resources.



[Mr. P. Breen.]

The Sikorsky helicopter and its magnificent crew based in Shannon Airport have carried out trojan work in search and rescue off the west coast.

I wish to address the issue of the use of speed boats and jet skis in our coastal and inland waters. It is hard to find anybody who would speak up for jet ski users. Anybody who has the pleasure of spending a day at a popular beach or lakeside location will know the annoyance caused by noisy jet skis and the danger they pose to human life. They also have a significant environmental impact. I visited a lake in my constituency at a time when jet skiing was a relatively new activity. Somebody brought a jet ski on to the lake and it created havoc, particularly for the farmers who own the surrounding lands. One farmer had thoroughbred horses and the noise of the jet skis, which sound like motorcycles, caused them to run in all directions and over walls. I spoke to an engineer in the council who told me that local authorities had difficulty enforcing the law because the farmers owned the lands around the shoreline and the authorities could not police it. The problem might be cleared up by now but perhaps the Minister of State would clarify the matter when recapping on the Bill.

Jet skis also have an environmental impact, particularly on fish and marine life. We have a large tourism sector in Ireland and fishing is very popular in my constituency in County Clare, especially in the inland lakes. The last thing we want to do is damage fishing stocks and marine life. Many jet skis leak diesel and oil, and that matter should be controlled. We do not want to send the wrong message to Irish and foreign tourists who use our waters. There is nothing of merit to say with regard to jet skis.

The Bill has particular relevance to County Clare. My parish has six or seven islands on the Shannon Estuary and I visit them regularly with land owners because they are areas of great beauty. Many islanders who die on the mainland wish to be buried in the graveyards on the islands. I am delighted that legislation has been brought in with regard to life-jackets. Ten or 11 boats might attend an island funeral, with seven or eight people on each boat, and no one would wear a life-jacket. That was very irresponsible of them at the time, and it was happening throughout the country. I am delighted legislation has been introduced on the use of life-jackets.

At another island funeral last year I was delighted to see at first hand that everybody going on to the boats had a life-jacket; 60, 70 or 80 life-jackets were produced on the day. The Bunratty search and rescue service accompanied the cortege down the Shannon Estuary. Adequate safety measures were put in place for that funeral and I am delighted the position has improved with regard to safety at sea.

I commend the rescue services — I mentioned the helicopter service — and the volunteers, whether it is in Kilkee, Liscannor or Kilrush, who

take time out to do this very valuable work and rescue people in the event of tragedies. Last year we had the launch in Killaloe of the community inshore rescue service and I saw the Trojan work done by them. They can travel at very fast speeds up the lakes on two craft, one of which is aptly named the Brian Boru after Brian Boru from Killaloe. They do great work in rescuing people and we are very fortunate to have those services.

In County Clare, we have the coastal areas, the Fergus Estuary, the Shannon Estuary and Lough Derg. We have a high number of leisure and water activities in County Clare but regardless of what we do, it is difficult to enact a law to protect everybody. People will do their own thing and as Deputy Connaughton said, it is difficult to enforce the law. We can only do our best in that regard.

On the coastline some of the most beautiful beaches and inshore areas are increasingly under pressure from leisure craft users. Coastwatch Ireland has pointed out repeatedly that our coasts are under pressure from recreational use and abuse of leisure craft, including jetskis and speed boats. Although most leisure craft users are respectful of their vessels and their environment and are conscious of the potential danger in our waters, there is unfortunately an inconsiderate minority who are a danger to themselves and others as well as being a nuisance.

The provisions in the Bill regarding alcohol are welcome also. We have had some success on our roads with the drink driving campaigns but it is astonishing that people believe they can take control of a boat, jet ski or whatever and that they have no responsibility in terms of safety. Like a car, a boat is a lethal craft and people must take their responsibility seriously but many do not see the danger in them.

The same situation pertains in our lakeside locations. In my constituency I am well aware of the beauty of the scenic area of Lough Derg and the waterways, the pleasure they give people and the huge revenue that flows into the county, both from locals and visitors, the vast majority of whom respect this precious resource.

The Bill also proposes penalties for a range of reckless behaviour surrounding vessels. It provides a statutory basis for codes of practice to be drawn up on the proper operation of vessels, including passenger boats and fishing vessels, and the updating of fines. It provides for fines of up to €2,000 on summary conviction for offences under by-laws. I hope those fines are not too low and perhaps they should be increased because €2,000 is a paltry sum when one considers that the price of some jet skis amounts to thousands of euro. That is something that should be examined also.

The use of unseaworthy vehicles will also be prohibited. That is very important because the investigations that take place following drowning tragedies often reveal that the vessels taken out to sea were not seaworthy. If we have a car we have to maintain it but a boat must be maintained

even more so. If a car breaks down one would hope that it would not result in a death but if a boat suffers a leak and proper safety measures are not in place, people can drown. We have seen that happen often and we have heard coroners and the gardaí say following such tragedies that the boat was unseaworthy or that there were too many people on the boat for its size. That is a problem also.

Like previous speakers, I would like to know who will enforce these measures when they are put in place. Will it be the duty of the gardaí or the Irish Coast Guard? Perhaps the Minister will clarify the position. The gardaí are unable to resource the area of traffic safety and it is unlikely that the Minister would ask them to patrol our seas also. I hope the Irish Coast Guard will play a role in this area also. If we are to police the waters properly in terms of what is happening with jet skis, we will have to recruit more people to take on that job and they will have to be adequately resourced. If they are not resourced, they will be unable to do the job they are appointed to do. That is very important.

The use of unseaworthy vehicles will be prohibited. Although it is obvious that such craft should not be put to sea, some operators have been surprisingly cavalier in their approach to water safety, sometimes with tragic results.

The current position with regard to jet skis is unsatisfactory. Regulation of the use of jet skis varies under by-laws introduced by local authorities. The Bill will co-ordinate regulations under the new powers to be given to the Department of Communications, Marine and Natural Resources, providing ultimately for the forfeiture of craft and disqualification from use of offenders and providing also for implementation of the legislation by the Garda.

There have been fatalities associated with jet skis and I hope the increased regulation in this area will minimise the likelihood of serious or fatal accidents in the future. The most high profile person to be involved in one of these accidents is the singer, Kirsty MacColl, who was killed by one of these crafts while swimming off the coast of Mexico. That is an indication that these accidents happen in other countries also. Previous speakers spoke about the use of jet skis in foreign tourist resorts and the fact that areas are assigned for the use of jetskis off the coastline. In that way they do not interfere with swimmers and other holidaymakers.

I have seen these craft operate, and young people take great delight in using them. They are a macho craft for macho types who race across the coastline and back again at high speeds, not thinking of the dangers to themselves or others. Deputy Brady referred to their policing in other countries. I have been to countries where they are not policed. There is an area where anyone can go out on a jet ski. People should be trained in using these powerful machines that can go at speeds of up to 60 miles per hour on the water. We all know the impact of water at 60 miles per

hour and the consequences that can result for the person on the jet ski or others. It is important that local authorities are given the power to control the use of jet skis and speedboats, whether on inland lakes or offshore.

I note that, on enactment of the Bill, many of the statutory agencies will be able to pass by-laws for inshore and waterway areas. Many county councils are anxious to ban outright the use of jet skis and smaller crafts on their beaches. With the increase in surfers, windsurfers and swimmers the ban of such mechanically propelled craft can only be welcomed as a necessary safety measure. In my county the resort of Lahinch has an excellent reputation for surfing and many European championships are held there. The quietness of a beach is very important and we do not have the same noise with other watersports such as windsurfing and surfing.

I hope the Minister will provide adequate resources for an advertising campaign in the national media. Perhaps he will address this when he concludes discussion on this Bill. It is important that a media campaign is launched to show people how dangerous these machines are. I hope there is an appropriate media campaign to ensure everyone knows the penalties involved for such behaviour. Legislative regulations should be put in place to monitor effectiveness.

I look forward to the effective implementation of the new powers contained in the Bill to deal with long-standing problems in water safety. We hope our natural heritage, our waters off the coast, can be enjoyed by everybody. Perhaps this legislation should have been passed earlier, but it is better late than never. I hope it will reduce the number of deaths off our coastline and that proper regulations will be put in place for the use of jet skis and speedboats. I thank the Leas-Cheann Comhairle for the opportunity to speak on this Bill and I hope it gets a speedy passage through the House.

**Mr. Ferris:** I welcome this legislation as I believe it meets a demand for greater control over the use of the type of watercraft covered by the legislation. As a county councillor elected in 1999, I received a number of complaints that certain beaches were being made virtual no-go areas by those who used various vehicles and crafts, such as dune buggies, windsurfers and scramblers.

As a child I used to go to Banna beach, which stretches eight miles from Ballyheigue to Barrow. The only inconveniences one encountered were games of football or soccer on the beach. Hundreds of people were there and everybody enjoyed themselves. With the advent of mechanically propelled watercraft it is a nightmare for families to look after their kids and ensure that they are not hurt. I am not trying to demonise anyone but with the passage of time advances have been made on these new types of vehicles. Young people who use these have less fear than those who are more mature. There is a tendency to try to get the greatest speed out of these

[Mr. Ferris.]

vehicles. There is the belief that when one is on water one cannot hurt oneself or anyone else, but that is totally mistaken.

Damage is being done to sand dunes by scramblers and sand buggies, and that is being addressed by county councils. They have introduced a number of by-laws to restrict the use of such vehicles that make it difficult for people to enjoy the amenities, to ensure that the greater demand for the public is met. This legislation will facilitate local authorities in framing by-laws to regulate the use of motorised watercraft and ensuring that those by-laws are enforced with substantial penalties.

I admit that I knew very little about this area until recently. I was aware of the death of young Patrick Daly in Youghal two years ago as a result of an accident involving a jet ski. We all heard of the death of Kirsty MacColl, to which the previous Deputy referred, who died when she was hit by a water vehicle. With Shane McGowan she provided us with tremendous enjoyment. I also remember the death, while attempting to break records, of Donald Campbell.

I was astounded by some of the statistics from countries such as the United States, where hundreds of people have been killed by jet skis. In 1999 personal watercraft accounted for 18% of registered boats, but they were involved in 44% of injuries in California. That is a phenomenal amount of injury and damage. In 2000 the figure had risen to 19% of registered boats and jet skis were involved in 45% of injuries. That is the effect these jet skis have in terms of injuries and deaths in California.

There is very little control over who uses these vehicles. There are no age restrictions and there is no obligation on people to have proper training in handling what are extremely powerful machines. I emphasise the power and speed of these machines and the damage they can do. Young people do not fully realise it and the onus is on us to ensure that legislation not only penalises and restricts but educates people as well. As these are so powerful the potential for serious harm is high, as I have outlined in the examples from California. There is a clear need to regulate their use.

Apart from the safety aspect the main concerns people have regarding the use of mechanised watercraft, and the main issue addressed by the Bill, is the nuisance caused to other users of water amenities. There is nothing better calculated to drive an angler or sailboat user out of his or her reason than for the tranquility of the stretch of water or lake to be shattered by the arrival of a person on a jet ski. The inconvenience and the danger surrounding jet skis must be emphasised. I am not arguing for a ban on such vehicles. The best rule of thumb is that the interests of the public should take precedence over the enjoyment of an individual. If someone causes a nuisance or danger to others, interfering with access to or enjoyment of public amenities, then regu-

lations are needed to prevent that person from doing so. I hope local authorities and other public bodies referred to in the Bill will use this legislation to frame the type of by-laws that will impose sufficient restrictions on the use of the crafts in question in order that they cannot become a nuisance endangering the public.

Within the Bill's terms of reference, we are talking about severely curtailing the use of jet skis. There is a strong argument for confining them to specific areas, in the same way as certain motorised vehicles for leisure or sporting purposes are confined on land. A solution may be found in specifying particular areas for the use of jet skis. I do not want to see them banned but I have concerns about the age or those who use them as well as the amount of training provided. I am also concerned by the speeds they can attain. The use of jet skis would be acceptable in designated areas in a properly controlled context where those using them would have to undergo training and be subject to speed restrictions. In such circumstances, those who want to should be allowed to enjoy their use. Local authorities should ensure that jet skis and other similar types of water craft are not permitted in areas for which the authorities have responsibility, such as ports, harbours and marinas. It would be a recipe for disaster otherwise.

I welcome the Bill's provisions for restricting or banning the use of water craft by people who are drinking alcohol. That step is long overdue. I also welcome the fact that safety procedures will be enforced for vessels that provide a public service. I compliment all water safety services and in particular the Fenit lifeboat whose crew have done tremendous work in the area it serves. Such work is done voluntarily by local people who are on call at all hours to provide the lifeboat service in all types of weather. We are greatly indebted to them. I welcome the Bill and offer it my personal support as well as that of my party.

**Mr. F. McGrath:** I thank the Leas-Cheann Comhairle for the opportunity of addressing this important legislation. I welcome the comments from my colleagues in all parties concerning maritime safety. Public safety is at the heart of the legislation. As an island nation we must deal seriously with this issue which relates to the sea and inland waterways as well as our coastline and harbours. Sectors such as fishing, tourism and leisure are of great importance given our island status. Our economy must be developed on an all-island basis, otherwise it will be economically, politically and socially divisive in addition to bringing no benefits. A one-island economy is a healthy and progressive idea for developing this State, but that point is not made often enough in this House.

The legislation deals with vital issues of safety in addition to harbours which are covered by section 2(c) and (d). As part of my constituency of Dublin North-Central is situated near Dublin Port and Dublin Bay, maritime safety is a major

local issue as well as being a matter of national interest. Last Sunday, for example, more than 500 people attended a meeting in Clontarf about the proposed infill in Dublin Bay. Many residents and community groups came together to discuss matters related to this legislation. They also discussed other matters, including the Ombudsman's ruling on Dublin Bay, the European Commission's legal actions concerning the bay, the ownership of the foreshore, the Dublin development plan and the strategic plan for Dublin Bay. The meeting also heard an excellent report by Mr. Jerome Casey, entitled *Dublin Port — Serving Dublin City*. We also discussed the new and exciting Bremore Port development and the future of Dublin Bay. I thank those who organised that meeting last Sunday, including Mr. Gerry Breen, the former Member of this House, Mr. Seán Dublin Bay Loftus, the treasurer, Mr. Justin O'Flaherty, Mr. Joe Nolan, Mr. Liam O'Dwyer and Mr. Peter Bailey. These people have been directly involved in the campaign to save Dublin Bay. Within that area some 630 acres are under-utilised. People want to dump rubbish to infill 52 acres in the bay, but there is no need for this. Our ports and harbours must be efficiently managed through the proper use of public funds for such projects.

In recent weeks we have learned of the €200 million overrun on the Dublin Port tunnel. In addition, some 200 houses in Marino, Santry and Fairview have been damaged as a result of work on that project. These issues are all connected to the maritime questions I have raised in connection with this Bill.

The Dublin Bay amenities study recommended that no development should be permitted in the bay pending completion of detailed area plans. However, there are no such plans. In 2002 the Minister of State was aware of public concern about the port company's proposal which highlights the need for an overall strategic approach to this kind of development. The Minister of State said new statutory arrangements are clearly needed to provide for an integrated management of the coastal zone, including the greater Dublin Bay and adjoining land. He said, however, that it would not be reasonable to defer consideration of the Dublin Port Company's application until the new legislative framework was in place. He said that, in the short term, he was anxious to allow Dublin Port to proceed with this development. I challenge people on this issue because it is related to the idea of preserving our bay. The people of Clontarf and Dublin North-Central want to ensure the bay will be preserved.

Harbours and ports form an important part of the legislation before us. Many of us put forward proposals against the plan to infill 52 acres in the bay area. We recognise, however, that a strategic plan for the island must be developed. The answer to this question lies in the Bremore proposals, which have been supported for many years by Mr. Seán Dublin Bay Loftus. The Drogheda Port Company has a new deep water

port at Bremore which covers 150 acres and is capable of handling 500 million tonnes of freight. That capacity can be expanded by up to 20 million tonnes. We should support this proposal because traffic needs to be diverted out of Dublin which is congested. The Bremore proposal is close to the M1, the Dublin-Belfast railway line and Dublin Airport. Therefore, there is an alternative to the plan to infill 52 acres in Dublin Bay.

I compliment all those involved in Dublin Bay-watch and the residents in Clontarf who are doing so much work on this issue. Dublin Bay is our bay and it belongs to the people. In contributing to this debate, I want to ensure that we can protect and preserve what remains of Dublin Bay's amenities.

The purpose of the Bill is to strengthen the law against the improper use of certain recreational craft, to outlaw reckless behaviour in operating such craft, to promote good practice in operating vessels generally, to upgrade safety regulations for passenger boats, fishing vessels and pleasure craft and to update penalties and other provisions of certain related Acts.

It is important that we consider the purpose of the Bill because serious public health and safety issues are involved. I do not know what sort of people use jetskis. No doubt some of them are members of the Progressive Democrats or other of the more affluent parties, but there have been many complaints about abuses of our waterways.

Part 2 strengthens the law against improper use of mechanically propelled personal water craft and other recreational craft of not more than 24 metres in length in waters of the State or in seas around them, in the interests of public safety, and is designed to prevent nuisance in public recreation areas and protect natural and other heritage areas. It also confers clear by-law making powers to regulate and control the operation of craft of the types in question, which are of considerable concern to county and city councils.

Section 6(1) refers to Waterways Ireland and the waters under its control and management, to the harbour authorities, to which the Harbours Acts 1946 to 1976 apply, and to the harbour companies within the meaning of the Harbours Acts 1996 to 2000. When we talk of these issues it is important that we reflect on the possible dangers. We cannot allow a minority of people to damage the health and safety of others.

That is another reason I strongly oppose the proposed new infill to Dublin Bay. If one fills in another 52 acres, there will be less space for our citizens and children to play, swim and use the bay as a quality national resource. We are discussing the Maritime Safety Bill. If one fills in 52 acres of Dublin Bay, one could increase flooding in the area. We have recently seen such flooding in Clontarf and Fairview. I gave a commitment to the people of those areas that I would represent their views in the Dáil.

Under the Bill it will be an offence to breach a by-law prohibiting the use of certain craft in specified waters or part thereof, subject to a fine

[Mr. F. McGrath.]

on summary conviction not exceeding €1,000 for a first offence and not exceeding €2,000 for a second or subsequent offence. I do not agree with some of the speakers that the fines should be greater. The legislation is fairly reasonable and balanced. A first offender is fined €1,000 and a person who offends a second time is fined €2,000. We are talking of the safety of young people, of the safety of people in the water. The section is important in that regard.

The legislation also makes it an offence to breach the by-law relating to launching, mooring or berthing craft, with regard to conditions to be complied with for operating craft and maximum speed limits for craft, subject to a fine not exceeding €1,000 on summary conviction for such an offence. It is also an offence, subject to a fine not exceeding €1,000, on summary conviction, for a person to allow himself or herself to be carried or towed by a craft in an area where under a by-law it is prohibited.

It is not good enough for people to be involved in such anti-social behaviour. I spend a great deal of spare time visiting waterways and enjoying the facilities there. I have fished regularly on Lough Derg and have seen reckless jetski use there, which concerns many people, because of young children sailing their boats.

The Bill empowers the authorities specified in section 5 to allow authorised persons to act on their behalf and empowers the Minister for Communications, Marine and Natural Resources to appoint persons to enforce the provisions of the Bill in Irish waters. The legislation contains important and constructive suggestions and the emphasis on maritime safety is important.

I also welcome the new section 26, which makes it an offence for a person to endanger persons on board a vessel, through recklessness or lack of seamanship. Section 26(2) is a standard defence to allow for action taken in good faith. Section 26(3) provides for a fine and or imprisonment on conviction by the court for such an offence. The new section 26 is important because one cannot allow people to behave recklessly. Particularly on holidays, we have all seen people taking risks with boats. We have seen fishermen taking risks with their crews and other boat owners taking risks with tourists. It is not acceptable for people to go into Irish bays, harbours and waterways without proper equipment such as life-jackets in order to ensure maximum safety. We have seen horrific and tragic accidents in this regard. The new legislation, particularly the new section 26, adds teeth to legislation.

The new section 43 is an amendment of the Harbours Act 1946 in three respects. It is an important new section because we need to deal with the matters involved in a more comprehensive manner.

Regarding the cost of the legislation, the financial memorandum notes that the Bill is Exchequer-neutral. It states:

The proposed strengthening of the law against the improper operations of fast powered watercraft of the types in question in Irish waters will significantly enhance public safety and amenity and protect natural and other heritage areas. Tourism and leisure businesses will also benefit from the stopping of nuisance by such craft.

That will be the key. There will be a net benefit to the economy because if people and families feel safe on the water they will use it more often and will spend more in locations by the lakes or rivers, or in fishing ports.

We should also pay tribute to the brave people involved in the fishing industry. It is all very well for the smart alocs to say those people make a good living out of it at times but in reality it is a difficult, tough and dangerous life. I commend our fishermen for providing excellent services to the people through many difficult times. We should also pay tribute to their families and express our sympathies to those families who have lost fishermen over the years. It is important that we recognise that in this debate.

I also pay tribute to lifeguards and those who run the lifeboats. They make a great contribution. We have some excellent people on the north side of Dublin, from Clontarf, Sutton and out as far as Howth, who give voluntary service and are involved in training, who save lives on a regular basis. They provide an excellent service and take major risks in the interests of public safety. While dealing with maritime safety, it is important that we commend these people.

This debate is important. The legislation is solid and progressive. That is not something which, as an Independent Deputy, I would say very often about Government legislation. This is important legislation and I commend the Minister of State for bringing it before the House. We have an opportunity to rally round. This matter is above party politics because it involves maritime safety. We are talking of our citizens, of people involved in fishing, in the leisure industry and in tourism, all connected with our waterways.

Our waterways are a major revenue earner. We must develop this sector of our tourism industry in a more radical and creative manner. A market is available for those who wish to become involved in water sports and related leisure activities. While we develop that market we should at all times remind ourselves that public safety must be at the core. The Minister for Arts, Sports and Tourism, along with other Ministers across the board, should look seriously at developing this market because it has massive potential.

People from urban areas do not necessarily get the opportunity to experience coastal areas, waterways, lakes and rivers. I have worked in the north inner city for more than 20 years and when one brings young people to water, whether one brings them fishing, or to the coasts, up to Donegal or over to Galway for weekend trips, or to visit islands, that makes a great impression on them, particularly on young people from urban

areas in disadvantaged parts of the city. Our seas and waterways can be used in a progressive way to develop an interest in nature, science and biology. We should remind ourselves that we can link many strands to the debate on maritime issues.

We must be creative and radical with regard to the harbours issue which is dealt with in Part 2, sections C and D. I do not agree with those smart alec economists about the loss of Irish Shipping. I feel sorry about that loss. Some cynics may say we can get along without it but I reject that view. If we still had Irish Shipping as a quality company, it would help the nation develop and assist the economy in a progressive way. I do not accept the nay sayers who say we can get on without it. It was a significant loss. I support and commend those who worked for it for years. It is important to say this. There is a similar debate taking place with regard to Aer Lingus and the aviation industry but *sin scéal eile*.

It is important to reflect on the fact, when dealing with maritime issues, that as an island nation we have massive potential to develop the economy. There is significant potential in the tourism, fishing and leisure sectors. This is a crock of gold that can be developed. Now that we are in the age of IT, people have longer holidays and shorter working hours. It is important that we take the opportunity to use our seas and waterways to develop the person. In the rat race of the Celtic tiger some may feel they cannot or should not take a break but they should. One of the best ways to do so is to use our waterways, whether for fishing or swimming. Any of these activities is good for the person and society.

I welcome this discussion on the legislation. I have listened to the ideas expressed and hope the Minister will take some of mine on board.

**Dr. Fitzpatrick:** This much needed Bill is overdue. As a result of our developing economy, people have more wealth and leisure time and many of them buy jet skis or powerful boats. Therefore, we must regulate the maritime sector in some way in the interests of safety.

We often forget that the sea is dangerous and unpredictable. Urbanised people like me do not know much about it and tend to take it for granted because we generally only see it on sunny summer days. We do not see it when the weather changes and it is dangerous and threatening. While on the issue, I pay tribute to those who man our lifeboats and look after safety at sea or on our lakes and rivers.

We are considering regulation in the interests of safety. Perhaps on Committee Stage the Minister will adopt the attitude we had to take towards car testing. For many years people could buy any old banger, put it on the road, pay tax and insurance and drive away. Now we must have NCT tests every two years. These were a good idea. Rarely now do we see old dilapidated bangers on the

road that are a danger to life and limb of all those on the road.

The Minister spoke about testing vessels greater than 24 metres in length. That is a rather large boat but I think he should consider testing pleasure boats, most of which are smaller than 24 metres in length. I have seen many that would be 20 feet in length and seen them used and abused on our waterways. The Minister should consider NCT-type testing of boats and equipment of all kinds used on water.

I am glad to see the legislation is strict with regard to the wearing of life-saving belts and jackets. Another issue about which I am concerned, as I have seen no reference to it, is that of drink or drug testing for boat crews. The sea is dangerous and unpredictable. To put to sea under the influence of alcohol or mind or mood altering drugs is a criminal act. It puts the person, the people in his or her care and other users of the sea in danger.

I gather the Minister's remit also extends to the foreshore but this is an issue not mentioned in the Bill or the Minister's speech. In this regard, I am thinking about the increasing use of dune buggies, large high powered four-wheeled machines which damage the fragile and delicate ecology of our sand dunes. Perhaps the Minister will consider the issue on Committee Stage.

I welcome the setting up of the national hydrographic survey. The Ordnance Survey surveyed the land back as far as the 1850s. I am glad its counterpart will now look after the foreshore, the seabed and the waters around our coasts. Some of the maps of our waters are years old. It is the nature of the sea, the foreshore and our river estuaries to change during the years. We must have accurate, up-to-date maps and charts if we are to increase safety levels at sea.

I commend the Minister and the Bill which I will support wholeheartedly in its passage through Committee, Report and Final Stages.

**Mr. Connolly:** I have no problem in welcoming the Bill because it is both timely and overdue. The legislation is designed to beef up the law against the improper use of personal water craft such as jet skis and other small recreational water craft such as speedboats. For too long legislation in this area was inadequate and half-hearted with some local authorities taking decisions to ban jet skis from beaches. There is no doubt that this legislation will have the effect of enhancing public safety as well as protecting heritage areas. Its effect will be to toughen the law against improper use in coastal waters and on lakes and rivers of certain high powered water craft such as speedboats and jet skis.

The legislation should also have a beneficial knock-on effect for tourism and the holiday industry through the amelioration of safety measures inherent in the Bill. I would not like to be seen as in favour of banning entirely such speed craft. However, I am in favour of the designation of restricted areas for their use, perhaps

[Mr. Connolly.]

within certain hours or late in the evening. They should not be used near locations in which people are using conventional craft or children are playing.

I note that speedboats have recently been banned in the Lake District area of Cumbria in northern England. Lake Windermere was used in the past by Sir Malcolm Campbell and his son, Donald Campbell, as a venue for world water speed record attempts. We all have vivid memories of the speeds reached on such occasions. The Lake District has been one of the brightest jewels in Britain's tourism crown for a long time. Millions of tourists flock to its lakes and fells each summer. A ban on certain forms of water sports activity was recently brought into effect because locals and tourists could no longer endure the use of high speed watercraft which was leading to congestion and danger.

Many small boats, kayaks and canoes will be seen on the water when the outdoor season gets under way soon. Unfortunately, the users of such vessels will not have the water to themselves for long. The use of jet skis and powered watercraft has been increasing in recent years. The design, operation and use of such watercraft are fundamentally different from those of conventional boats. Small boats are known collectively as the "no octane brigade", in contrast to powered watercraft which are known as the "go-faster crowd". There is an uneasy truce between the two forms of craft. Our lakes and rivers cannot accommodate everybody's needs indefinitely because our inland waterways are becoming increasingly crowded. The use of powered watercraft is incompatible with certain waterways, the unique attributes of which can be jeopardised.

Parents who think they can earn brownie points with their children by giving them jet skis are teaching them to be abusive, to have a total disregard for people's privacy, to depend on a machine for fun rather than using their minds and to have a complete disregard for nature. Such boat rage is common. The machines in question can charge around at speeds in excess of 70 mph, as if Newton's law of motion had been repealed. Some of those who operate powered watercraft do not listen to the appeals of local residents for peace and calm. Such machines can stop quickly if they strike a floating or partially submerged object but their riders do not necessarily stop as fast. Powered watercraft are equipped with a dead man's switch, a key that can be pulled by the rider to slow the machine to idling speed if he or she falls off. The machines run in circles in such circumstances, thereby allowing the rider to remount if he or she happens to be still alive.

If children are introduced to powered watercraft too soon, it is natural that they will continue to seek artificial thrills later in life. I do not doubt that jet skis are expensive, noisy, thrilling, fast and macho toys. They can be fun if used at a sufficient distance from others. If a person is rowing a canoe or a kayak on a lake when a large

powerboat passes at excessive speed, he or she might be swamped in its wake. It is unfortunate that everything that makes powerboats enjoyable to use is in direct contrast and opposition to the peace and quiet needed by people trying to escape their stressful everyday lives. Access to jet skis in the United States is prohibited in the vicinity of most national parks. Such machines endanger and disturb wildlife because of their high speeds, unpredictable movements and excessive noise. When the ban was introduced in the United States, all national parks experienced an immediate increase of between 6% and 10% in visitor numbers.

Powered watercraft significantly damage the quality of air and water conditions, the enjoyment of visitors and the health and safety of the public. They place many wildlife species in danger. As they have two-stroke engines, they require oil to be burned with petrol to lubricate the engine's internal parts. They pollute watercourses by releasing up to 30% of their mixture of fuel and oil directly into the air and water. An average two hour thrill ride on a powered watercraft can lead to the release of between three and four gallons of unburned petrol and oil into the water. On some weekends thousands of gallons of fuel are dumped in previously unpolluted waters. In California it has been estimated that if one takes a day long ride on a 100 horsepower jet ski, one will emit the same amount of smog forming air pollution as one would have by driving 100,000 miles in a car. That is considered to be high mileage because it is the equivalent of five years average driving for most.

Powered watercraft have a high pitched chain-saw-type whine which can ruin the outdoor experience of people interested in wildlife. Their noise levels are particularly disturbing for humans and especially dangerous to marine wildlife. Every time a powered watercraft goes over a wave its engine emerges from the water and the level of loudness and pitch changes. For this reason such craft can be much more disturbing than conventional motorboats. Noise from a single jet ski measures between 85 and 102 decibels. A person's hearing is impaired when noise reaches 90 decibels. Powered watercraft can force lake users out of the water by swerving and jumping at speeds of up to 70 mph. A busy city street produces noise levels of 85 decibels, on average. Many are sick and tired of having their weekends disturbed by incessant noise and disruption caused by fast watercraft in their local waters.

Our cherished memories of swimming in our favourite local ponds, fishing in local lakes, enjoying peace and quiet and observing the local wildlife may soon be a thing of the past. In San Francisco powered watercraft are not permitted within a radius of 350 m of the shore. They are banned from estuaries and rivers for a distance of up to seven miles inland.

Powerboat laws were introduced in Wales some years ago after an accident in which a male swan was killed by a jet skier. The laws provide

for compulsory tuition, qualifications for users of jet skis and powerboats and the construction of purpose built jet ski berths. Anybody who wishes to use a jet ski in Wales is required to have a level 2 qualification in the use of powered watercraft. Not everyone who owns a jet ski is a nuisance as the majority of such persons are competent and their activities can be said to complement marinas. Parents have an obligation to ensure their children are competent and safe.

The Bill is principally concerned with giving local authorities and port authorities the power to regulate and control the use of powered watercraft and other watercraft by means of penalties. It could benefit by providing for instruction in the safe use of powered watercraft, along the lines of such regulations in the United Kingdom. I would like as many people as possible to enjoy the water while participating in healthy outdoor activities. I, therefore, welcome the Bill which will help to create a safe environment in which such activities can take place. I am happy to support it and trust it will be further modified to enhance the prospects of people being able to enjoy the water in a safe environment.

**Mr. Eamon Ryan:** I welcome the opportunity to speak on the Bill. I would like to make a broad point about the various Bills being produced by the Department of Communications, Marine and Natural Resources. Some officials from the Department are present today. The House has passed many useful Bills from the Department in the past three years. I welcome the Bill which will be of great importance as part of the effort to save lives.

It seems a great deal of serious and important legislation promised has not been introduced. Such legislation relates to every Department, including the Department of Communications, Marine and Natural Resources. I am sure the Minister of State, Deputy Gallagher, will acknowledge that those involved in the fisheries sector are openly discussing the ramifications for the fishing industry of the clamp-down that will be imposed by Brussels if we do not act to bring an end to the overfishing of Ireland's quotas. I would like to discuss the implications of such a development for our entire fisheries regime. It is remarkable and surprising that legislative proposals have not emerged in that respect, given that Ireland is likely to be required to take action. Legislation may be necessary to alter the system of management of the sector.

I do not intend to undermine the importance of the Bill under discussion but merely to question the manner in which our legislative priorities are ordered. The House has considered many Bills introduced by the Department of Communications, Marine and Natural Resources in the past three years. As I said, however, I would have preferred if some of the legislative provisions had been grouped together. If we do not have much time in the Dáil which I understand from the Chief Whip's office to be the case, such a system

of legislative grouping may be necessary. I ask the Minister of State to respond to this general point when he responds at the end of this debate. What other Bills will be introduced by the Department in the near future? It would be more informative to receive such details from the Minister of State than it would be to ask the Taoiseach to look at his piece of paper on the Order of Business.

Having made that general point on the legislative schedule from the Department, I welcome the Bill. It is clear from the comments in the Seanad and the Dáil to date that there is general support for its purpose and intent. I am following a Deputy from another landlocked county. I am a proud Deputy from Dublin South which does not have one inch of sea water and precious few waterways, unless one counts the Dodder. However, that does not stop me having views on the use and abuse of jet skis and the nuisance they can cause. I welcome their management under the Bill.

Reading the other provisions of the Bill, it appears the devil will be in how the legislation is interpreted by the relevant authorities. For a number of years I was a sailor in Dublin Bay among a very low ranking crew of ruffian vessels. If I were to make a literal interpretation of the Bill, it appears that for most of the time my life was in danger and the owner of the vessel should have had his sanity questioned because every time I went out something was broken. Otherwise the trips were a great success. The interpretation and enforcement of the Bill will be crucial because I am sure the intent is not to restrict completely maritime activity to the point where it will not be possible to do anything on the open waves for fear of breaching a by-law or regulation.

The approach adopted in the Bill is correct in terms of giving responsibility to the local authorities. It is not appropriate for us at national level to determine the exact nature of by-laws. I welcome the broad provision giving local authorities and the designated authorities set out in section 17 the responsibility to enforce the legislation.

Local authorities should be much more proactive in managing leisure facilities. However, they are constrained by the lack of finance and often play a narrow role. It is right and appropriate for them to examine and manage their waterway facilities in a more proactive manner. Committing them to commissioning such by-laws which might regulate where one could use certain types of craft would be useful a way of setting their management parameters to everyone's benefit.

I question how we can enforce the proposed by-laws, particularly as they relate to the consumption of alcohol or drugs by skippers of vessels at sea. It appears the Coast Guard must have a responsibility in that regard in terms of having ready access to vessels to which the Garda Síochána might not have easy access.

I hope to tease out with the Minister on Committee and Report Stages how the legislation will



[Mr. Eamon Ryan.]

be enforced. It appears we are good in this House at drawing up detailed legislation and regulations but if they are not enforced, they are of little use. I am interested in hearing from the Minister of State how the regulations on the seaworthiness of vessels and the consumption of alcohol will be enforced. Which authorities will have primary responsibility in this regard? What infrastructure will be provided for such authorities to ensure they will enforce the legislation effectively? I am concerned that it will be simply a case of providing legislation in order to appear concerned about safety, a concern which will not be backed up by enforcement.

I would be very surprised if there was a Deputy in the House who did not support the main intent and provisions of the legislation. It will be up to Members on this side to go through it in more detail on Committee and Report Stages to improve or change sections by way of amendments. However, my party supports the general intent of the Bill which I welcome.

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I wish to deal with a number of issues raised, including those raised by Deputy Eamon Ryan.

Cuirim mo bhuíochas in iúl do na Teachtaí go léir a ghlac páirt sa díospóireacht tábhachtach seo agus gach uile Theachta a labhair anseo, ó na páirtithe éagsúla agus iad siúd atá ina dTeachtaí Neamhspleácha. Thug siad go léir tacaíocht don Bhille seo go ginearálta agus don phrionsabal, mar shampla, na Teachtaí Perry, Broughan, Cowley, Boyle, Brady, Connaughton, Pat Breen, Ferris, McGrath, Fitzpatrick, Connolly agus anois an Teachta Ryan. Gabhaim buíochas leo go léir, mar tá a fhios acu cé chomh tábhachtach is atá an Bille seo. Ba mhaith liom go mbeadh an Bille tríd an Dáil agus ar ais ag an Seanad ós rud é go mbeidh leasuithe romhainn ag an choiste an tseachtain seo chugainn. Tá sé tábhachtach go mbeidh muid ábalta é a chur tríd an Oireachtas agus chuig an Uachtarán roimh an samhradh.

I thank Deputies from all parties, including Independent Deputies, for agreeing to consider the Bill so soon after it was passed by the Seanad and the warm welcome for its provisions. As the title indicates, it has the clear aim of enhancing maritime safety by strengthening the law against a wide range of reckless behaviour on or with vessels of any kind on water. I agree with Deputies that it is overdue and needs to be enacted as soon as possible.

The seas around the coast, as well as our rivers, lakes, canals and other inland waterways, are there to be enjoyed by all. Deputy Eamon Ryan is correct in saying he does not want to hinder this enjoyment. We do not want to spoil it for the many responsible people who use our seas, lakes and waterways for recreational purposes. However, we also want to introduce the necessary legislation to empower local authorities, port

companies, harbour authorities, Iarnród Éireann which has responsibility for Rosslare Harbour, Waterways Ireland which has responsibility for our canals, rivers and lakes, and the Minister in regard to the five fishery harbour centres at Howth, Dunmore, Castletownbere, Rossaveel and Killybegs.

Deputy Eamon Ryan raised the question of legislation which is to follow. I draw his attention to the list published at the beginning of the session by the Government Chief Whip. He will appreciate that the remit of the Department is very wide and priorities must be established, of which marine safety is one. That is why I was so anxious and appreciative of the party Whips for allowing me to bring the legislation to a stage where it could be enacted by the summer recess. The Deputy referred to other fishery measures and legislation which are also promised and will be brought before the House as soon as practicable. We recently progressed the Sea Pollution Bill. A number of issues were raised. Deputy Perry referred to the marine casualty investigation board, the remit of which is to carry out investigations into marine accidents in all domestic waters and those which involve Irish-registered vessels. The main purpose of its investigations is to establish the cause or causes of a marine casualty with a view to making recommendations to the Minister with the purpose of avoiding similar incidents. The board publishes reports which are available on the Department's website. I pay tribute to its members who are totally committed to their role. At times they make themselves available above and beyond the call of duty. They have a difficult job which they do well and is greatly appreciated. The board's recommendations are extremely important.

The Irish seabed survey was also mentioned. The project is in its final phase; hence, the minor reduction in the funding required in 2005. A sum of €3.584 million has been allocated in addition to a sum of €500,000 deferred from the 2004 capital programme. This reflects the wind-down of the project with fewer survey days on board the Marine Institute vessels required this year. A total of €33 million was allocated for the project over seven years from 1999 to 2005. I agree with Deputy Perry's comments on the importance of the project. It is money well spent.

Reference was made to the EU tourism grants scheme which has been suspended since December 2002 due to lack of funding and it is not envisaged, given the lifespan of the national development plan, that it will be reactivated. Deputy Perry referred to the marina project at Rosses Point, County Sligo, which involves the development of a 28 berth marina. The state aid implications of the funding commitment to this and other projects at Caherciveen and Kenmare in County Kerry and Roundstone, County Galway, are being clarified.

The question of compliance with state aid rules was raised during an audit by the Comptroller and Auditor General. While state aid approval

has been sanctioned for the marine tourism grants scheme, it was not clear whether the approval extended to the four projects mentioned. On foot of legal advice, arrangements are being made to meet the European Commission in an attempt to resolve the issue. I support marinas, a number of which should be constructed along our coastline. Unfortunately, this issue has arisen and I am anxious that the meeting with the Commission should take place as soon as possible in order that all four projects can be progressed.

I refer to the adventure activities standards authority. As indicated in replies to parliamentary questions on 8 March, the question of establishing the authority is under review. Its establishment is not being delayed but the review is necessary in the light of the decision by the Minister in 2003 to integrate the functions of the marine safety directorate, the coastguard and the mercantile marine office into a single agency which will be responsible for all aspects of marine safety and emergency response services. The agency's headquarters are scheduled to be located in Drogheda and primary legislation may be required if the agency is to proceed. I had discussions with an interested individual as a result of an accident in Dunmore East a number of years ago but the adventure activities standards authority might be too narrowly focused. That is why I am anxious to review the authority to ensure an all-encompassing body is established.

The issue of drunkenness has been raised by a few Members. Section 24 of the Merchant Shipping Act 1992 outlaws such behaviour and provides for a maximum fine of €1,000. It will be updated to provide for higher penalties with a maximum fine of €5,000 on summary conviction for being under the influence of alcohol and drugs. An amendment in this regard will be tabled on Committee Stage. We were anxious to increase fines during the years but the Minister for Justice, Equality and Law Reform will introduce a fines Bill which will ensure fines will increase on an annual or biannual basis and will be linked to an index.

Deputy Broughan questioned the relevance of section 31. I will table an amendment on Committee Stage to delete it. This is being done on the basis of legal advice as the section might cause confusion. Section 30 is the key section in the legislation as it outlaws the endangerment of vessels.

A proposal to establish a register for small commercial and recreational craft of less than 15 net tonnes which would include jet skis has been the subject of public consultation. The feedback is under consideration.

It is not intended to outlaw the emergency towing by a fishing boat of a stricken fishing boat or other vessel. This was raised by Deputy Cowley but safety considerations should always dictate whether towing is feasible without endangering the vessels and crews involved.

Reference was made to the closure of the marine rescue co-ordination centre at Leeson Lane, Dublin. A study was carried out of the Coast Guard services in 2002 by independent consultants who recommended that the Coast Guard should operate two control centres at Valentia Island and Malin Head. They also recommended the closure of the marine rescue co-ordination centre in Dublin. The review had regard to, among other matters, advances in modern communications technologies and a comparison with marine emergency response co-ordination capabilities and manning levels in other countries. The use of two centres will achieve significant savings, thus enabling other elements of the Coast Guard service to be developed which, in turn, will lead to further improvements in marine emergency response services nationally. The centres proposed for Valentia and Malin Head will be developed to handle all emergencies along our coasts and on inland waterways involving mountain and cliff rescue.

Closure of the marine rescue co-ordination centre will not affect the significant emergency response resources on the ground. These will remain available to the Irish Coast Guard on a year round, seven day, 24 hour basis. The closure will not diminish the capability of the Coast Guard to co-ordinate and manage incidents.

I speak on behalf of everyone when I pay tribute to all of those involved in search and rescue. Deputy Perry and others referred to the demonstration in Rosses Point on Sunday, 22 May. It was my first opportunity to attend the display and I was more than impressed. The demonstration is held each year at one of the resorts on the coast and the turnout on 22 May impressive. We must try to ensure that we get more people to attend these displays in order that they see first hand the involvement of our search and rescue service's professionals and the volunteers. Quantifying their involvement in monetary terms would be difficult but the search and rescue services would be much poorer if not for those many people involved and I pay them tribute.

**Mr. Cullen:** Hear, hear.

**Mr. Gallagher:** The issue of an emergency towing vessel has been raised a number of times in the House through debates and parliamentary questions. The feasibility of deploying an emergency towing vessel in Irish waters is under consideration in the Department, taking into account the significant costs involved and the cost-benefits associated with such a facility. Some will say we have taken some time to make up our minds but there are many factors to be considered.

In 1998, the Department of the Marine commissioned a study to investigate the feasibility of deploying an emergency towing vessel around our coast. Following an assessment of that study, which was published the following year, it was decided that Ireland should have access to emer-

[Mr. Gallagher.]

gency towing vessel capacity to protect our coast from the consequences of major oil pollution and vessel stranding. The Department would consult the Departments of Finance, Defence and Environment, Heritage and Local Government on a number of matters, including cost effectiveness, location, financing and other issues, such as operational aspects and other possible users. Ireland and the United Kingdom should consult on the possible sharing of such a facility to cover the east coast. The Department established an internal working group at that time to manage this consultation process and to try to advance the matter generally.

The significant costs likely to be associated with an emergency towing vessel capability with complex operational requirements are recognised by all. At the time, the consultation group concluded that an emergency towing vessel capability should be provided to service the west coast, possibly via a PPP, and that such a vessel for the east coast could be provided to ensure an acceptable level of cover at minimum cost through a possible joint PPP approach with the United Kingdom. The House will recall the events of last year when a Canadian submarine travelling home from Scotland developed a fault off the north-west coast of Ireland. There was some consternation at the time for the lives of those involved. A number of fishing vessels and the Naval Service were extremely helpful. They assisted in no small way to ensure there was not a serious loss of life. By this, I mean too many lives. Both Deputy Perry and I were present when unfortunately, the bodies of the deceased crew members left Sligo General Hospital to be taken back to Canada. There are dangers and I am not putting this issue on the long finger. I am anxious to come to a conclusion on this matter.

A number of Deputies have raised questions about enforcement. I draw the attention of the House to section 17, which allows the relevant authorities, including city and county councils, the Department and Waterways Ireland, to appoint authorised persons to enforce the Bill. These persons will have considerable powers as outlined in the Bill. The Garda and the Coast Guard will have a role but obviously, they cannot be everywhere. One of the Deputies asked how would we do this. It is not possible to be everywhere, but I am sure that, as soon as those people who are acting illegally are pursued, brought before the courts and made an example of, the Bill will have positive effects. Too many people are being irresponsible but I wish to recognise the many responsible people who observe the law on the sea and on our waterways.

It was suggested that every vessel should be on a register. The Department and I are vigilant in ensuring that only sound vessels are entitled to be on the Irish register. We want Ireland to be known for vessels of a proper standard in which we have confidence. If I find any legal gaps, I will certainly introduce further legislation without

delay or incorporate it in the appropriate legislation. We have spoken about jetskis and boats of over 24 metres in length. European legislation insists that such vessels must have certificates of compliance and all the necessary documentation in the Department by the end of June. I will address the other sizes, and explain the situation with them as well as I can.

The matter of jet skis is causing considerable concern for many people, not necessarily those on our coasts but those along our rivers and waterways. I confirm that the whole of the coastal and inland waters of the State can be covered by local targeted by-laws if there is a need. For this reason, I will leave it to the discretion of the local authorities to introduce by-laws when the Bill is enacted. Every local authority may not need to make by-laws but those that must will have the power to do so upon the enactment of the Bill. It has been suggested that there should be a longer period than one month plus seven days to give the public a period to consider the by-laws when they are drafted by the local authorities, the port companies, the harbour authorities, Iarnród Éireann or Waterways Ireland. A month and seven days is adequate to consider the by-laws. I hope that after that short period they will become law.

Many Deputies have raised the question of alcohol. I confirm that breath, blood or urine testing for the purpose of criminal proceedings will have to be done under Garda supervision, if not by it directly. Detailed legislation along the lines of the often challenged provisions of the Road Traffic Act would require a considerable drafting effort without a guarantee that it would be workable in the totally different environment of the sea or waterways. Such an effort would be questionable. As a practical alternative, provision is being made, via a ministerial amendment to section 33, to include codes of practice for vessel operators and guidance to prevent abuse of alcohol or drugs on board vessels. The Department will review the position again in one or two years, in the light of experience with the code of practice and, generally, as part of an ongoing review of marine safety law. This may not be precisely what I would wish for but it is a step in the right direction.

I am pleased that the House has welcomed the Bill, in principle, and that, like me, Members are anxious to ensure it is enacted as quickly as possible. I hope to bring it before the select committee at an early date. I thank Members and parties for their co-operation in ensuring we were able to take Second Stage so quickly following the completion of deliberations in the Seanad. This is an important Bill. Marine safety is vitally important, as is the registration of vessels.

Mar fhocal scoir, cuirim mo bhuíochas in iúl do na Teachtaí go léir a ghlac páirt sa díospóireacht thábhachtach seo, agus tá súil agam nach fada go mbeidh muid ábalta an Bille a phlé sa choiste

agus dul ar ais chuig an Seanad leis na leasuithe ón Dáil.

Question put and agreed to.

**Maritime Safety Bill 2004 [Seanad]: Referral to Select Committee.**

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I move:

That the Bill be referred to the Select Committee on Communications, Marine and Natural Resources in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Driver Testing and Standards Authority Bill 2004: Second Stage (Resumed).**

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

**Mr. Connolly:** As the title indicates, the Driver Testing and Standards Authority Bill 2004 is largely concerned with the establishment of a new agency to provide for efficient driving tests. The setting up of the agency is an admission of the inadequacy of the existing system which has resulted in a ten month waiting list for driving tests. The wide variations in the standards required to pass the driving test in the various centres nationwide provide another sound reason for the setting up of the new authority.

The reality is that there are 130,000 people on the waiting list. Provisional drivers have no incentive to take the test and it is easier to pass it in some areas than in others. As people are aware of the percentage of first-time drivers who pass the test in certain centre, they reapply and take the test in those centres which may be located in a different part of the country. In some areas drivers can get through the test quite easily.

The latest statistics available indicate that 355 people were killed on our roads in 2003. This is the equivalent of three medium-range jets crashing each year. This statistic may not do anything positive for those who have a fear of flying but we are always told it is much safer to be in the air than on the road. However, for a person with a fear of flying, that is of little consolation.

The responsibility of driving a car should not be taken lightly. The new testing authority will be responsible for ensuring the highest standards of driving competency will prevail when drivers receive their full licences. When a person passes the driving test and receives a full licence, he or she has proved their competency and capacity to drive a car safely. Thus, he or she is conferred with the right to drive a car.

How many are still waiting to prove their capacity to drive a car? In other words, how many provisional licence holders are still driving freely

on our roads? The figure has been conservatively estimated at approximately 250,000. This means a very significant number of unqualified motorists are driving. Who can say they pose no danger to other road users?

There was a time when one could go into the motor taxation office and purchase a driving licence for oneself — or for the dog or cat, if one so wished — without the necessity of taking a driving test. This situation continued until the introduction of the driving test in the mid-1960s. If such a large proportion of unlicensed drivers is to remain an unpalatable fact of life, we may as well have no driving test.

I am pleased the Bill will make provision for the registration of driving instructors which should ensure a high standard of driving instruction. This is an area in which some improvements have been made in recent years. The instructor registration provision should improve driver safety on our roads.

A high percentage of those who take the driving test fail and must wait for almost a year before taking it again. This process can be repeated for up to five years. In the meantime people can continue to drive on a provisional licence.

We have been told frequently that the number of applications for driving tests is increasing, hence the ongoing lengthening of the driving test waiting list and the inability of the system to cope. Despite increases in the number of testers, the waiting list continues to grow to the point where a ten month wait is considered almost normal. Such a situation endured for so long is unacceptable and an indication of the system's abject failure.

Driving test applicants in Cavan and Monaghan are faced with an unacceptable eight month waiting period before completing their test. This compares most unfavourably with a mere four week waiting period across the Border in County Armagh. Incidentally, the longest waiting period in Northern Ireland is in the region of 12 weeks.

Having raised the issue on several occasions in the House, I was informed that additional testers would be recruited from the United Kingdom. I was also informed that retired personnel would be used to ease the backlog but this has not happened. The suggested bonus incentive for testers was not introduced either. This has resulted in the plight of the long suffering provisional licence holder being further compounded.

This situation has a negative impact on young working people in rural Ireland who have no alternative means of getting to work because they are faced with an inadequate public transport system. The position outside of the cities is that people have no way of getting to work; there is no public transport system that people can hop on or off, like the Dart or Luas. I think it was Maggie Thatcher who spoke about hopping on a bike and getting to work but that is not practical. In many cases, people have to drive upwards of

[Mr. Connolly.]  
ten or 15 miles to get to work. The private car is their only available means of doing so.

For young people, passing a driving test is the difference between receiving an exorbitant insurance quote — or sometimes no quote at all — and a significant reduction in their motor insurance premium. The test is linked to the insurance business. Young males face a particular difficulty when they telephone insurance companies. If they fit a particular profile, the company does not want to know. In some cases, insurance companies want to put young drivers onto their parents' insurance policy. Alternatively, many young drivers are nominated by their parents which, again, is not the proper way to be insured. In many cases, there is a question mark over whether young drivers are covered without the presence of a qualified driver in the car, despite the fact that they have paid very high premiums. It is a murky area and it is not acceptable that this state of affairs should continue.

The current exemption scheme is a travesty. Driving tests urgently required for work are subject to a haphazard system of cancellations. Applicants frequently receive only 24 hours notice before their driving test. If their employers verify that a licence is needed for the job, they can be accepted onto the exemption scheme. However, they frequently receive 24 hours notice or less before their test. They are also required to apply on company-headed notepaper to be accepted onto the scheme.

Such a lottery system must be replaced by a mechanism to fast-track exempted applicants. The current eight month backlog results in unqualified drivers remaining on our roads for too long in what amounts to an appalling waste of time and money. Fast-tracking the process through the introduction of a mandatory four week qualifying period would improve driver competency and probably reduce the number of road accidents and deaths. In such a scenario road safety would be the big winner with improved standards on our roads.

It is high time the current system was replaced with the new Driver Testing and Standards Authority, similar to the Driver Standards Agency in Great Britain. The Driver and Vehicle Testing Agency, the driver testing agency in Northern Ireland, combines both driver and vehicle testing such as that carried out by NCT here. Driver performance is a major issue in road safety and the most stringent criteria and standards should apply.

Lapsed driving licences should be reissued to drivers who may have omitted to renew them for a variety of reasons; for example, they may have been abroad or moved to a city area. Such drivers, many of whom have a wealth of safe driving experience accumulated over many years, now form part of the unacceptably long backlog. They should not be penalised by having to undergo the driving test again because of a technicality.

Reissuing lapsed licences should be undertaken, at least to reduce the waiting list.

I wish the Minister well with the plan to fast-track the driving test process and get the lists down to manageable proportions. I hope it will not be a case of forlorn hopes, as happened so often in the past. I know there will be difficulties with bringing in testers from the United Kingdom, uniformity of testing and implementing bonus schemes but hope these can be ironed out because, as I stated in the House, the more unqualified drivers there are on our roads the less safe our roads will be. Sometimes we wonder about the reason the number of road accidents is high. I do not know if any statistics have been collected regarding the number of unqualified drivers involved in road accidents but it is fair to assume that if they are driving on our roads, they will be less safe.

The current system gives people a considerable amount of time to practise their driving. A driver practising on our roads for upwards of five years is not safe. Having a four week qualifying period between applying for and sitting a driving test would place an onus on learner drivers to take more driving lessons. People are not making adequate use of driving instructors, however well qualified they might be. A four week qualifying period would force learner drivers to become more competent.

The establishment of the new authority may make a significant contribution to reducing the number of deaths on our roads through enhancing the standards of testing and, by extension, driving.

**Mr. Healy:** I am looking at the notice taken from the relevant website indicating the pass rates and waiting times at the various driver testing centres. There is a huge variation among the 48 centres. In my own county of Tipperary there is a pass rate of 51% and a waiting time of 53 weeks in Clonmel. There is a pass rate of 53% and a waiting time of 59 weeks in Nenagh. If I cross the border to the Minister's constituency, there is a pass rate of 61% and a waiting time of 61 weeks in Dungarvan. I think there is a pass rate of 54% and a waiting time of 44 weeks in Waterford city, which is simply too long.

The variation in waiting times and pass rates is unacceptable. It gives rise to difficulties for applicants for the driving test. There is a high pass rate of 64.7% in Birr, County Offaly, while the pass rate in Rathgar in Dublin is 41%. This begs the question as to what the criteria for the driving test are, whether testers are properly trained and what considerations they take into account when examining applicants. While some variation is to be expected between the various centres, one would imagine it would be within a range of possibly 5% to 10%. To find variations in the range of 20% leads me to think there are serious difficulties with the current system and testing criteria. There is a pass rate of 61.4% in Loughrea. It appears, therefore, there is a lower pass

rate in the larger urban areas than in smaller towns. The variations in pass rates and waiting times undermine the entire driving test system.

Many parts of the country have few, if any, public transport services. A person living in Rathgar who has not passed the driving test can at least use public transport to get to work. There is the Luas, the DART and a bus service in the Dublin area. There are also transport services in the larger cities and towns. However, for young people living in rural areas, the variation in the pass rate means that many of those who fail the driving test are not in a position to take up employment where they would be required to drive to work.

The average waiting time is 40 weeks and it is significantly higher in some areas. Young people living in a rural area such as west or east Tipperary who work in Clonmel, Limerick or Waterford cannot avail of public transport to get to work. The fact that driving tests are not available within a reasonable period presents a serious difficulty. It means young people living in such areas are unable to take up employment.

The system has a further complication in terms of insurance. Insurance companies load certain categories of drivers, particularly those with provisional driving licences. In many cases, a young person who purchases a car discovers that the insurance premium is as expensive as and, in some cases, more expensive than the car. Again, the fact that one must wait so long for a driving test presents a problem for young people looking for car insurance.

The Minister said there were special arrangements for such cases. However, even then, the waiting time can be up to four months. If a young person has an offer of a job, four months is too long to wait. No employer will wait that long. In a case I dealt with recently, it was 12 weeks before there was a cancellation in order that a person could take the driving test to enable them to take up employment. The current system is not working and creates many difficulties for applicants.

There are approximately 380,000 provisional driving licence holders, of whom approximately 180,000 are first provisional licence holders, approximately 105,000 are second provisional licence holders and approximately 90,000 are third or subsequent provisional licence holders. There are, therefore, approximately 200,000 provisional licence holders driving legally without an accompanying driver. This causes difficulties, particularly with regard to road safety. One must assume that when there are 200,000 provisional driving licence holders driving on our roads, it is not good for road safety.

The number of deaths in road traffic accidents is, on average, 350 per annum. While the figure was reduced by the initial implementation of the penalty points system, we are now back to having a high number of deaths as a result of road traffic accidents. We must provide a driver testing system which will offer applicants easy access to

tests within a reasonable length of time. That is important both from a road safety point of view and from the point of view of young people taking up employment and obtaining car insurance.

The number of driver testing centres must be expanded. There are 48 in the State but in south Tipperary there are only centres in Tipperary town and Clonmel. A reasonable sized town should have a driver testing centre to ensure easy access for people living locally. A place such as Carrick-on-Suir should have a driver testing centre to cater for the east Tipperary, north-west Waterford and south-west Kilkenny areas. This example could be duplicated in a number of areas.

Another matter dealt with in the Bill is that of driving instructors, an issue about which the Minister spoke on Second Stage. There is concern among driving instructors about their registration in the future and how existing instructors will be assimilated into the new arrangement. Many have told me that during discussions with the previous Minister there was an understanding instructors who were members of the national association would automatically transfer as instructors under the new system. In recent years many instructors have undertaken training courses and examinations and are providing an excellent service at local level. The Minister should consider the position of existing instructors who have a great deal of experience and are members of the national association. They should be registered as instructors with the new authority.

The Minister has indicated that although it is not provided for in the Bill, responsibility for the testing of vehicles might be taken over by the authority in the future. Vehicle testing, now carried out by the National Car Testing Service, should form part of the remit of the new authority. There are various reasons for this, of which one is to ensure there would be a single authority dealing with all aspects of driving, driver testing and vehicle testing. As a result, there would be competent drivers on our roads which would, I hope, lead to a reduction in the number of road traffic accidents and road deaths.

Debate adjourned.

#### **Message from Select Committee.**

**Acting Chairman (Mr. O'Shea):** The Select Committee on Agriculture and Food has completed its consideration of the Veterinary Practice Bill 2004 [*Seanad*] and has made amendments thereto.

#### **Private Members' Business.**

#### **Nursing Homes: Motion (Resumed).**

The following motion was moved by Deputy Twomey on Tuesday, 31 May 2005:

”That Dáil Éireann,

concerned at:

- the absence of an independent statutory-based inspection regime for all nursing homes;
- the lack of information and transparency about standards applying to nursing homes; and
- the failure to make current inspectors’ reports easily accessible and available to the public, nursing home residents and their families;

calls on the Government to:

- immediately establish an independent nursing homes inspectorate for all nursing homes (public, private and voluntary);
- publish all inspection reports and make them available to residents of nursing homes and their families and to make them available and accessible to the public, free of charge, and on the Internet;
- fully resource the nursing homes inspectorate with appropriate professionals such as doctors, nurses, pharmacists, geriatricians, other relevant health personnel and building inspectors;
- introduce uniform assessment criteria for all nursing homes; and
- immediately introduce a national strategy on elder abuse.”

Debate resumed on amendment No. 1:

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

- notes the Government’s commitment to ensuring that high quality care is made available to all patients in public, private and voluntary nursing homes;
- welcomes its commitment to establish the Social Services Inspectorate on a statutory basis later this year and extend its work to public and private nursing homes;
- welcomes the urgent review by the Department of Health and Children of the operation of the Nursing Homes Act 1990 and the Nursing Home Regulations 1993 to strengthen the powers available to the Health Service Executive (HSE);
- welcomes the HSE’s provision of information to the general public on nursing homes;
- welcomes the proposed implementation by the HSE of a common national

approach to the inspection of nursing homes;

- acknowledges the work of the HSE in developing responses to the issue of elder abuse;
  - commends its policy of supporting older people in their homes and communities in keeping with their stated wishes, and providing support to those who need residential care; and
  - acknowledges the significant investment made by the Government in the care of older people at €1,068 million in 2005.”
- (Minister of State at the Department of Health and Children, Mr. S. Power)

**Minister of State at the Department of Transport (Mr. Callely):** I wish to share time with Deputies Wallace, Devins and other Deputies who may join us later, by agreement.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Callely:** I am pleased to have the opportunity to speak on issues related to the provision of services for older people. I begin by clearly stating my upset and shock at this morning’s newspaper coverage across all publications. We have witnessed incredible, vile images over the past three days. At times, we shoot the messenger and complain at the manner in which sections of the media invade private life on a topic of the day. On this occasion, the production team of “Prime Time” must be complimented and applauded for its investigations.

We could reflect on the horrific images of elder abuse and compare and contrast these with the serene, well designed, beautiful, manicured parkland and buildings that house nursing homes across Ireland. God knows what goes on behind their doors. However, it is important to state that there are some fantastic and world class facilities available for the care of the elderly, with caring, compassionate and dedicated staff. This House must provide the supports necessary for the statutory authority to be satisfied at the quality of care provided in such homes. Violation of an elderly person’s dignity is a clear depiction of human injustice. Sadly, this injustice could be happening just footsteps away. It is time an experienced third party is appointed to investigate clear acts of depravity that are taking place in certain nursing homes throughout the country.

I am sure the House will understand my strong view on this matter as I served as Minister of State at the Department of Health and Children, and always took a genuine interest in services for older people. While I have moved on, my thoughts are with the relatives, friends and patients of that nursing home. This week I have already discussed the Leas Cross case and the structural changes being put in place with the chief executive officer of the regional HSE. Although I have moved on, my interest remains.

We should give serious consideration to the implications of these structural changes because they are being rolled out as if the problem is solved. However, they have an impact on existing services. Furthermore, as the media shone an extremely bright light on a dark issue, we now need to encourage whistleblowers to step forward and request investigations into any matter about which a relative is concerned. We need justice for people in the autumn of their years — men and women who worked hard to build this country and create the world we enjoy today. As I have often stated, it is their hard work and tireless vision we can thank for the creation of our society.

I reject the low political ploy of using such an important national issue, as was done by Deputies Twomey and O'Dowd yesterday. It was cheap dirt. I will not lower myself to their cheap tricks. However, it is important that I correct the record. If Deputies Twomey and O'Dowd are men enough, they may wish to correct their position.

Deputy Twomey referred to a case brought to my attention and stated: "He probably whispered it in somebody's ear and left it at that." That is an untruth; it is a lie. If Deputy Twomey talks to Deputy O'Dowd, he knows it is an untruth. Deputy Twomey later stated: "Those of us who have been involved in medical services [as Deputy Twomey has] know that all is not well."

**Mr. O'Dowd:** We do not know whose ear the Minister whispered in. What did Deputy Callely do as Minister?

**Mr. Callely:** Does that comment by Deputy Twomey not give rise to a number of questions?

**Mr. O'Dowd:** The Minister should answer the charge. What did he do as Minister?

**Mr. Callely:** Equally, Deputy O'Dowd asked the question: "What did the Minister, Deputy Callely, do about it when he was told about it in a letter from Beaumont Hospital?" Deputy O'Dowd knows the answer. This was not a Leas Cross case.

**Mr. O'Dowd:** What did the Minister do to change the situation he described as vile and incredible? He did nothing.

**Mr. Callely:** I did much more than most when I received a case from a person outside my constituency in a constituency clinic on the morning of Saturday, 14 February 2004.

**Mr. O'Dowd:** The Minister had responsibility for the elderly, yet he did nothing.

**Mr. Callely:** I did not refer the upset daughter of an elderly mother in a nursing home to a colleague in her constituency. I dealt with the case there and then. I followed up the paperwork on the Saturday evening. Both the daughter and the

statutory authority received correspondence from me on Monday, 16 February 2004, and I received confirmation from the statutory authority on 18 February 2004 that the case was being investigated, which I forwarded to the daughter on 19 February 2004.

**Mr. O'Dowd:** The question is Deputy Callely's role as Minister not as a TD.

**An Leas-Cheann Comhairle:** The Minister should conclude. I call the next speaker.

**Mr. Callely:** Thank you. A further issue referred to in this debate was the elder abuse report. When I received that report in November 2002, I ensured money was made available to commence implementation of its recommendations in 2003 and to continue progress by further funding in 2004.

**An Leas-Cheann Comhairle:** The Minister should conclude.

**Mr. Callely:** I have a proven track record of achievement while in the Department of Health and Children, including the setting up of the interdepartmental group on the needs of older people—

**Mr. O'Dowd:** The Minister did not change the inspection regime. He did nothing.

**Mr. Callely:** —improved funding for voluntary groups, the first ever funding for the national helpline, development of personal care packages and home supports, rapid access clinics and new community units at the Meath Hospital, Harts-town, Glasnevin, Birr, Virginia, Lusk, Our Lady's Hospital, Harold's Cross, Maynooth, and many more from Malin Head to Mizen Head. I took an innovative, fresh and holistic approach to the needs of older people. I contributed to improving the lives of thousands of older people, which was my priority during my tenure and continues to be a priority for the Government.

My last remarks on this matter are personal. If I had a loved one in care, I would be concerned for his or her welfare. Apart from visiting as often as I could, I would make sure he or she received the love and attention he or she deserved. There are many wonderful nursing homes here providing a world class service.

**An Leas-Cheann Comhairle:** The Minister should conclude

**Mr. Callely:** However, I would urge relatives and friends to continually keep an eye open to make sure that the service offered is the service provided.

**An Leas-Cheann Comhairle:** The Minister has taken seven minutes so that means—



**Mr. Callely:** I am sorry but I thought it was important to correct the record.

**An Leas-Cheann Comhairle:** The time will be taken from your side. I call Deputy Mary Wallace.

**Ms M. Wallace:** I would like to begin by saying——

**Mr. O'Dowd:** It is a pity the Minister did nothing to change the nursing homes inspectorate regime. That is the charge against him

**Mr. Callely:** I heard about Deputy O'Dowd in Dundalk, and about his negative, absolutely damn all approach. A load of Horlicks is all he did in regard to three cases I have under investigation.

**Mr. O'Dowd:** What is the Minister talking about?

**Ms M. Wallace:** I would like to begin by saying that the findings of the "Prime Time" programme——

**Mr. O'Dowd:** What is the Minister talking about?

**An Leas-Cheann Comhairle:** Order, please. I call Deputy Mary Wallace.

**Mr. Callely:** The people of Blackrock are not too happy with Deputy O'Dowd.

**Mr. O'Dowd:** Over what?

**Mr. Callely:** I will give you the detail.

**Mr. O'Dowd:** Would you?

**Mr. Callely:** It is the back of a cardboard box and no action.

**Ms M. Wallace:** This is not fair on other speakers.

**An Leas-Cheann Comhairle:** Order, please.

**Mr. O'Dowd:** The Minister is making personal charges.

**Ms M. Wallace:** I would like to begin by saying that the findings of the——

**Mr. O'Dowd:** I would be happy to give you the record so we can put this right. However, Deputy Callely did nothing as Minister to change the nursing home regime. He sat on his butt and did nothing.

**Mr. Callely:** That is wrong; it is a lie.

**Mr. O'Dowd:** He did zero, zilch, absolutely nothing.

**An Leas-Cheann Comhairle:** Order, please.

**Ms M. Wallace:** I would like to begin——

**Mr. Callely:** The Deputy is telling lies. Sorry, I will correct the record: he is telling untruths.

**Ms M. Wallace:** I hope Fine Gael will give us this time because much of the time of other speakers has been lost. I would like to begin by saying that the findings of the "Prime Time" programme were shocking.

**Mr. O'Dowd:** The Minister is a disgrace.

**Mr. Callely:** You are a disgrace.

**Mr. O'Dowd:** This is shameful.

**Ms M. Wallace:** It is unbelievable and unacceptable that older people would be subjected to the type of environment portrayed in the programme. It was horrendous viewing for all of us but particularly for families whose elderly relatives are in nursing home care. For the sake of all our elderly citizens who reside in nursing homes and their families, it is exceedingly important that the commitments given in recent days are honoured, in particular with regard to action and ongoing monitoring at Leas Cross, and also regarding the independent inspectorate for all nursing homes.

It must be said that there are many excellent care facilities and nursing homes in all areas and many wonderful nurses and care staff who provide an excellent standard of care and attention for our elderly friends and relatives. It is extremely important in this debate that we have balance in what we say to ensure that we do not make the mistake of tarring everyone with the same brush.

In light of this week's revelations, there is no doubt urgent changes are needed to ensure the nursing home inspection teams cease the practice of providing advance notice of pending inspections. It is ludicrous for any inspectorate to give notice of a pending visit as this will naturally ensure that major advance preparation work is done to have all in place, including staff ratios, for the time of the visit. It is akin to providing this year's leaving certificate students with the exam papers a week in advance. Until this week, I had presumed the nursing home inspectorate operated on the same basis as the child care inspectorate, in that it could arrive to inspect a facility completely unannounced and at any time. Anything less than this type of inspection is a waste of time and the nonsense of advance notification must cease immediately.

It is important to note that most families care for their elderly relatives in their own homes for as long as possible. When this is no longer a possibility, they are dependent on the availability of high quality long-term residential care.

I thank the Minister of State for his positive comments regarding the wonderful work of the

Senior Helpline which is operated by the Summerhill Active Retirement Association from its County Meath base. Since 1999 the helpline has received more than 10,000 calls from lonely older people nationwide. It reminds us all of the importance of communication with the elderly in our community.

I welcome the Government's work in respect of the home care grant scheme which operates on a pilot basis in many areas, providing support for families caring for the elderly in the community on the same basis as nursing home subvention support. This pilot grant scheme has not yet been extended to families in County Meath who care for elderly relatives in their own homes. Will the Minister of State ensure provision of the scheme in County Meath at an early date as it would be a marvellous help to these families?

This week provided a wake-up call with regard to nursing homes and from now on we should hope to see changes across the board. The two most important issues are the ongoing monitoring of the situation in Leas Cross and the commitment with regard to the independent inspectorate.

**Dr. Devins:** The shocking revelations contained in "Prime Time" have rightly precipitated enormous anger. The demographics of our society clearly indicate that the number of elderly people in Ireland is rising rapidly. In 2002, 11% of our population was over the age of 65 years. By 2030 that figure will have risen to almost 21%. This has important implications for the country. How the elderly will be cared for and how this care will be financed are two of the issues which must be addressed.

Care of the elderly is a complex issue. I have today written to the Chairman of the Joint Committee on Health and Children, Deputy Moloney, asking him to prioritise the issue in our work programme for the immediate future. A wide range of supports are available from care at home to long-term care in nursing homes and geriatric hospitals. The total cost of care for the elderly this year will be more than €1 billion. Undoubtedly the best place for an elderly person to obtain care is at home. The provision of home help packages should be extended and programmes such as Choice, a pilot programme operated in Sligo by the Health Service Executive north-west area, should be rolled out nationally. This excellent programme gives valuable support to elderly people.

I wish to raise the issues of inspection and supervision. Many long-term care institutions provide excellent care to the elderly, but some do not. I welcome the Minister's announcement of an independent inspectorate and urge him to resource it adequately and establish it without delay. It must have teeth so that deficiencies can be identified and responded to immediately. Any inspection visit should be unannounced and completely thorough. The inspectorate's remit should extend to both public and private facilities. Most

will have nothing to fear and well run institutions will welcome such inspections. Elderly people need protection. Relatives and friends can act *in loco parentis* but, unfortunately, many elderly people in institutions do not have such support. The State must act on their behalf so that the appalling, degrading and brutal scenes witnessed on "Prime Time" are completely eradicated and those who perpetuate such acts are removed from care of the elderly.

**Ms Cooper-Flynn:** I welcome the opportunity to speak on this matter and share in the shock and horror expressed by my colleagues with regard to the revelations made in "Prime Time". It is a pity that it takes media exposure such as this to spur everybody into action. However, I welcome the Minister of State's announcement with regard to establishing the social services inspectorate on a statutory basis. He will also publish a Bill by the end of the year which deals with training, the rights of patients and other important issues which have major consequences for the elderly in public and private facilities.

There was no mention of this issue in the programme for Government or the Government's legislative programme. However, it is better late than never. I have met many different nursing home groups over the past 12 months and would not like for people to think that there is large-scale abuse in all nursing homes. Many of them are very well run and many private nursing homes will welcome the fact that the inspectorate will examine both public and private facilities as this is a development they have been seeking for some time. Therefore it is somewhat surprising that legislation in this area has not been forthcoming before now.

The Government has invested a great deal of money in care for the elderly over recent years. However, there is an issue which has been of some concern to me and I have raised it in respect of all health related matters in the Dáil recently. Many of the current care packages to care for the elderly are geared towards Dublin and the eastern region. I refer specifically to the ten-point plan to deal with the accident and emergency crisis. Of the 500 additional home care grants which have been allocated, 400 are for Dublin and 100 for the rest of the country. How many additional home care packages will that mean for County Mayo?

The Minister of State highlighted that the maximum rate of subvention based on maximum dependency is approximately €190. However, the discretionary payment that the Health Service Executive has applied in the east of the country is an additional €300 to €400 per week. This means that a person in County Mayo can get a maximum subvention of €220 per week and if they are fortunate enough to be considered a hardship case, they will get €300. However, another elderly person in similar circumstances will receive €600 per week. I raised the matter with the Tánaiste who acknowledged the problem

[Ms Cooper-Flynn.]

and said that she knows of nursing homes on different sides of the same street which fall into separate health board areas and get a different rate of subvention. We must bring uniformity to the system.

Regarding contract beds, tenders were recently taken throughout the country for 500 additional places for intermediate care and 100 places for high-dependency care. I see from the Minister of State's notes that he has procured 95 beds for intermediate care and 47 for high dependency, but not one is in County Mayo. Virtually no nursing home in County Mayo tendered for those contract beds. I have come across two and both have been rejected. The reason they did not apply in the first instance is that when they contacted the Health Service Executive, they were told they had to have a maximum of ten beds available. Why must a nursing home in County Mayo have ten beds available when only 97 are required throughout the entire country? It is illogical and makes no sense. It means that those three aspects of the ten-point plan have virtually no relevance in County Mayo. I highlight the issue because it is all part and parcel of care for the elderly. Problems in accident and emergency services and nursing homes are not restricted to the cities. They exist throughout the country and if we are to address the issue seriously, we must do so on a countrywide basis.

**Ms F. O'Malley:** A great public service was once again done by "Prime Time" in highlighting this issue. It focuses us on the treatment of the elderly within society. The situation has changed over the years. Long ago we revered the elderly in our community but now we seem to push them aside. This is evidenced by the busy activity of helplines established to aid elderly people. Some 50% of calls to the Senior Helpline are as a result of loneliness. This should force us all to look at what we can do in terms of responsibility. We need to ask whether we are talking to the elderly in our community rather than merely dealing with the obvious crisis of the treatment of those in nursing homes.

I welcome the changes that will take place and the fact that the Government has committed to putting the social services inspectorate on a statutory basis. The sooner it happens the better. I would welcome that.

There have been calls for new legislation but the existing legislation is sufficiently stringent if it were properly enforced. That is the bottom line. Regardless of the requirements or guidelines, the most important relationship an elderly individual will have in a nursing home is with the care workers who work with him or her. They should treat the elderly person with respect in their engagement with that elderly person but on the television programme we witnessed a man shouting at an elderly woman. That is terrifying and it is dreadful abuse of a very vulnerable woman. Regardless of the legislation we have in place, if

an inappropriately qualified individual, in doing a job like that, is instilling terror in an elderly person it will not improve matters. Guidelines and stringent legislation are required but equally having appropriately skilled people is very important.

The Dáil has called for legislation to be enacted during this session but in that regard we are damned if we do and damned if we do not because the Government is criticised when legislation is rushed through the House. This is an important area and one that has not been highlighted just this week. We need to reflect properly on it and put good legislation on the Statute Book.

**Mr. Durkan:** Hear, hear, and we must do it quickly.

**Mr. Connolly:** I wish to share time with Deputies Finian McGrath and Gormley, although I am not sure of the arrangement. We may have to change it mid-stream but perhaps someone will stop me in time.

I welcome the opportunity to speak on this motion. The motion is very timely, although it is not the happiest of subjects to be discussed, in the wake of the chilling TV programme we witnessed on Monday night.

It is important to state at the outset that there were adverse reports on 43 of these nursing homes out of a total of 440. It is not all bad, therefore, but I have no doubt that many people will have second thoughts about placing their relations in a nursing home and I am sure many elderly people are very concerned about being placed in nursing homes. I can imagine the discussions in some households about whether one should be put into a nursing home and the fears in that regard.

I support the call for an inspector for nursing homes but it is not just about creating an inspectorate. We have had similar situations in the mental health area, of which I am well aware, when visits from the mental health inspector were often forewarned and therefore meaningless. There was often upwards of a month's notice that an inspector would call and human nature being what it is, people will tend to put their best foot forward. I hope that as part of the policy inspectors will call to nursing homes unannounced, that they will call regularly and that if complaints are received from particular nursing homes they will address them.

The cross-Border aspect of the nursing home provision is important also because we are subventing patients across the Border. Also, we must cater for both the physical and mental needs of patients. We can care for patients very well physically but they need mental stimulation, activities etc.

**Mr. F. McGrath:** I welcome the opportunity to speak on this important motion on the nursing home issue and the urgent need for proper

inspection procedures and quality care for our elderly and disabled. I support the motion but I urge all Deputies to be sensitive and respectful when dealing with such an important matter. There is a responsibility on all of us to act in the interests of our citizens. It is not acceptable to have people treated in an inferior manner.

Good practice, professionalism, quality care and respect for the person are the key issues in this debate. As the parent of a child with Down's syndrome and a member of Down's Syndrome Ireland, I was shocked and horrified at the treatment of Peter McKenna. This man, who had Down's syndrome, was sent home from St. Michael's House by a High Court order despite objections from his family when he developed Alzheimer's disease shortly after his 58th birthday in 2000. His family told the programme that he missed a hospital appointment during his second week at home. His sister, Mary Moore, said he was brought to Beaumont after two weeks in Leas Cross. The hospital found that he had been dehydrated for at least two or three days. Hospital medical notes stated that on admission his level of hygiene was poor and his urine bag contained infected looking urine. Peter died within a few hours of getting to the hospital from blood poisoning. That terribly sad case has moved us all and I urge that it should never happen again.

This debate must also be about family responsibility and support and the urgent need to assist our carers. Turning a blind eye to the urgent need to support our carers is not an option. I call on the Government, and particularly the Minister of State and the Minister for Health and Children, to give our carers the maximum financial support. Other former Ministers, like the Minister of State, Deputy Callely, should seriously consider their position in regard to this issue and related matters.

I want to raise the sad case of a constituent of mine and the way he was treated in James Connolly Memorial Hospital, Dublin. The family and relatives of this man were extremely distraught about the conditions in which he was kept. I have already passed the details to the Minister and I urge action in improving the conditions and services to the elderly in this hospital. It is simply not acceptable to have patients left in cold and inhumane conditions. When elderly people are treated in this manner it is a clear breach of their human rights and an attack on their dignity as a human being. I urge all Deputies to forget about party politics and support the elderly in this debate.

**Mr. Gormley:** At the outset I congratulate the "Prime Time" team for a wonderful job of investigation. It was a great example of public service broadcasting and those in this House owe them a debt. It indicates that our licence fee is being well spent when one sees the quality of that programme.

Many people told me they were shocked by the programme, and it is a case of seeing is believing. The hidden camera has revealed the depths to which we have plunged in this country. Today I was contacted by a nurse who has worked in this field and who shocked me even further by her revelations. She analysed it very well because she said she has worked in this field for many years and she contrasted what she saw as the good old days when our hospitals and nursing homes were run by the religious. She said there was a massive contrast between what occurred then and what is occurring now. She said the homes that continue to be run by the religious are second to none and the quality of care in them is fantastic.

A new ethos has emerged. It is about money and profit and it is as a result of the new avaricious policies promoted by Fianna Fáil and the Progressive Democrats. It is about profit and the patient is no longer seen as a human being but as a commodity and therefore we get many shortcuts. She explained to me how this can occur. For example, cheap staff are employed who are not motivated. They do not have the vocational calling of the religious. It was not just about care. They are there to do a job they do not particularly like in many cases.

This nurse worked in Church View, Cabra, and she said the set-up there was appalling. The nurses' aides work at night but they want to sleep and if patients wet themselves, they simply change them without properly drying them. As this nurse explained, the uric acid would infect the patient leading to the development of bed sores. That was one example of nurses aides taking shortcuts because they did not like their job and they wanted to sleep. It is disgraceful. She also said that elderly people would receive a glass of milk for lunch. If one asked for another glass of milk, it was not provided. She was shocked by this strict rationing motivated by profit. The bread they were given was already buttered and if a patient requested more bread, it was not available. Those elderly people suffered because they were hungry and they were dehydrated. She paints a shocking picture and if this is the revelation coming from one nurse, the problem is much more widespread that any of us could have believed.

She also confirmed that ambulance drivers who were familiar with the house had made similar complaints. She went to the local health board and the only response she received was that it would work with the home to try to improve the situation. There was no real sanction as the health board did not have the teeth in terms of legislation to deal with this awful situation. Patients were put into a dark basement that seems to have been like a dungeon. These patients were fed by tube and had no therapy. They could not get out and it sounded like they were incarcerated. If "Prime Time" had made a programme on that home, we would have been even more shocked.

We have a problem that is widespread. The woman told me about another home in

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Rathmines where she worked that has since closed. Patients there were given valium without prescription so they would go to bed at eight o'clock and staff would not have to deal with them. They were, as she put it, doped out of their heads. This is what has been going on and we have ignored it. We can no longer do so. We need legislation in this House to deal with it. I congratulate members of Fine Gael on tabling this motion and it has my full support.

**Caoimhghín Ó Caoláin:** The question in people's minds is very simple. Why did all the organs of the State fail to protect these vulnerable older people? Why did it take a television programme to expose the scandal when these homes are supposed to be governed by the rule of law, bound by regulations and subject to inspection?

Relatives of victims at Leas Cross told of their concern at what they had seen on visits to this nursing home. The health board, and later the Health Service Executive inspectors, failed to protect these elderly people. The reason was summed up by one member of Leas Cross staff who was secretly filmed after an inspector's visit. She said that they were concerned by the paperwork. That is surely a damning indictment of the bureaucratic mindset.

We have long needed an independent inspectorate of nursing homes and we now need it urgently. The Government tells us we will have legislation to establish such an inspectorate later this year. When will the inspectorate be established? Will it be a year after that or two years? For some elderly victims of abuse in nursing homes it is too late. They have died of neglect, like the victims highlighted by recent television exposé. Vulnerable elderly people should not have to wait for the independent inspectorate to be established. The Minister for Health and Children should immediately appoint additional inspectors throughout the country and ensure that all nursing homes are inspected within the next two months. This should not be done by prior notification but by cold-calling, not once or twice but as many times as is necessary to satisfy everyone that we have the highest standards possible.

The many people who run nursing homes responsibly with the highest standards of care would welcome such a move, as the scandal of Leas Cross casts a shadow over all nursing homes. It is appropriate to commend all who manage and work in nursing homes where the required standards are met and maintained at all times. Great credit is due to those who give dedicated service to senior citizens and the most vulnerable in society. They must be acknowledged. We can be certain that Leas Cross is by no means an isolated case. I think the Minister of State accepts that. The great fear is that what we have witnessed is being replicated in other nursing homes. It is abhorrent that we spend millions of euro of public money which effectively pours into the

pockets of the unscrupulous owners of these institutions. The HSE effectively abandoned people to the regime for which the owners of Leas Cross, the Ahernes, were responsible. What sanction will they now face? Will public money still be paid into their coffers? These are questions we need to have answered.

Nursing homes qualify for so-called tax incentives which the Minister for Finance is reviewing but which the Minister for Health and Children wants to extend to private hospitals. I have tabled a question to the Minister for Finance asking if Leas Cross benefited from this tax bonanza. Perhaps the Government could come back on this matter before the end of the debate. Would the Minister of State at the Department of Health and Children note, as I put it to the Minister for Finance this afternoon, that Age Action advises that at least €500 million of public money has been ploughed into the private nursing home sector since the relief was introduced in 1997?

Sinn Féin tabled an amendment to the Disability Bill that would have stipulated that all disability specific services in the State be managed in accordance with Articles 3 and 8 of the European Convention on Human Rights. These articles deal with the right to privacy and family life and the prohibition on torture, inhuman and degrading treatment. The Government disallowed the amendment on the basis that to allow it would impose a charge on the State. That was just last week. I cannot believe that Government Deputies are proud of that now in light of Leas Cross. That kind of situation was what the amendment would have dealt with.

To prevent abuse or neglect we need a single, common high standard of care of the elderly in private, public and voluntary nursing homes and for those cared for in their own homes. I hope this scandal makes the Government pay heed to the Human Rights Commission established under the Good Friday Agreement. The commission highlighted the lack of protection for old people in nursing homes in its report of November 2002 but the Government did nothing.

A number of public bodies need to answer hard questions. On the Leas Cross website the owners boast that they are certified as service providers for the northern area health authority, the south western area health authority, the east coast area health authority and the VHI. Leas Cross carries a certificate from EQA, a quality assurance firm based in the north of England. Surely its integrity must be questioned by this scandal.

**Mr. J. Breen:** The current lack of proper regulations and the lack of an independent nursing home inspectorate is a disgraceful situation. It is incredible in this day and age that such an important factor in our society, care for the elderly, is being overlooked and placed on the back burner. Many of the people in nursing homes are responsible for the success of the country. They have worked hard for most of their lives and have made the State what it is today. We owe them a

deep debt of gratitude for what they have done for us. At a minimum we owe it to them to ensure they have a proper lifestyle and are treated with dignity and respect. To ensure this happens in nursing homes, we must have proper regulations and structures in place.

The current abuse highlighted by RTE is evidence enough that there is a need to establish an independent nursing home inspectorate immediately. Such an inspectorate should be for all nursing homes, whether public, private or voluntary. It should have the necessary powers and resources to allow it to carry out its functions fully. It is vital that the inspectorate is composed of the appropriate professionals in order to examine all aspects of nursing home services. It must have the necessary resources and powers to implement changes and make necessary improvements.

The reports of all inspections must be made publicly available so everyone can be informed of any issues that may arise. These reports should be available free of charge to everyone, so there is adequate information and transparency about standards in our nursing homes. People cannot be shut away and forced to live in substandard conditions. The general public should be made aware at all times of the conditions in which our senior citizens are living.

Elderly people are in a vulnerable position in our society and may sometimes be dependent on others to cater for their needs. We cannot condone these people being shut away in nursing homes, while ignoring the standards of care involved. We have moral and legal obligations to take care of the elderly. In order to fulfil these obligations, I call on the Government to act immediately to implement the required proposals. To this end, the Government should waste no time in bringing the necessary legislation before the House. It is not good enough that anyone requiring our help should be abused in any way. This situation must be rectified immediately.

I have read the Minister of State's remarks as reported in the newspapers. I know he is genuinely sincere in what he is attempting to do.

The MRSA superbug nearly took my life last year. What chance have we got if nursing homes are allowed to operate in which the MRSA superbug is rampant? If people are allowed to develop bedsores, as we saw on that television programme, what chance have we of combating MRSA? Last October, the Tánaiste and Minister for Health and Children, Deputy Harney, made a commitment to me to investigate how I was treated when I contracted the MRSA superbug. I am lucky to be here today to raise this matter in the House. I ask the Minister of State to consult with the Minister and ask her to report to me on whether the treatment I received was adequate.

I nearly lost my life as a result of the superbug. We cannot allow the MRSA superbug to continue its grip on our hospitals. Something must be done. If it happens in prisons or anywhere else we will be in dire straits.

**Mr. Neville:** I wish to share time with Deputies Crawford, Ring and McManus.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Mr. Neville:** Although I am disappointed that such a motion should be before the House, I welcome the opportunity to debate it. A nation should surely be judged on how it treats its elderly and how they are taken care of after a lifetime's contribution to the State, including the development of the economy. The State should not ignore the plight of the elderly when they are unable to care for themselves or when they are so frail that their families cannot care for them either. That is what is happening, however, in a small number of nursing homes where people are being mistreated.

It is only fair to say that the majority of nursing homes do an exceptionally good job. Their contribution to the elderly is above reproach and I have had personal experience of that with my own family. I have nothing but the height of praise for the nursing homes with which I have dealt. However, the television exposé on Monday night was a matter of shame. It is a shame that such treatment is tolerated despite Opposition demands that something should be done. The first such exposé was in 1984 when another television programme revealed what was occurring in a nursing home. In the interim, we seem to have learned very little.

In 2001, Deputy Gay Mitchell introduced a motion in the House highlighting difficulties and concerns about nursing homes. The Government amended that motion on the basis that it was acting, and would act further, on the matter. We find, however, that so little has been done. We need to establish immediately a properly financed inspectorate for all nursing homes, which must be independent of the Health Service Executive. I wonder if the executive is functioning because I understand it does not even have a fully appointed chief executive.

I am concerned about the inspectorate of mental hospitals but at least its annual report is published. The details of inspectors' visits to all mental hospitals are publicly available. All Deputies have a copy of the report of the chief inspector of mental hospitals, so why does the same not apply to the inspector of nursing homes? There are 423 nursing homes, yet only 80 were inspected annually, while all of them should be inspected twice a year. That identifies a lack of commitment by the Government and the Minister to ensure that proper inspections are taking place.

Working groups were established by the previous Minister, Deputy Martin, whose approach was always to set up a committee to deal with such problems. The committee established after the 1998 report, reported in 2002. The recommendations of that committee, including that the social services inspectorate should be extended to all community and residential services for older

[Mr. Neville.]

people, have been ignored. It also recommended that, at a minimum, a staff structure should be put in place in each health executive area. That structure was to have included a steering group and a dedicated health board officer in each community care area with responsibility for preventing abuse of the elderly. It also recommended that a senior case worker for each community care area should be employed by health boards, as well as a support service. Those were the minimum requirements.

Abuse is an emotive term but there is no other description for what we saw in the television programme earlier this week. Last week, I met an elderly person living in their home. They are unable to take a bath, so they have sought a shower installation. We do not know if they will get a shower or, if they do, in what year it will be installed. The Minister of State should do something about special housing aid for the elderly. If it is not applied properly it can also be a vehicle for abuse.

**Mr. Crawford:** I welcome the opportunity of speaking in this debate on nursing home care, including care for the elderly and the disabled. It was totally frustrating to listen to the Taoiseach this morning stating that the Government had improved home help and home care. In counties Cavan and Monaghan, which I represent, the number of hours allocated for such care has been cut in half. Individuals are no longer being allocated care on an hourly basis, but by the minute. In addition, home help carers are being asked to fill in mileage forms that are virtually impossible to understand. The allowance is 19 cent per mile, but that is only from the home of the first patient to the home of the last one, provided they are in the one administrative area.

There are many excellent nursing homes in my constituency and my late mother was a beneficiary of one of them. They provide an excellent service to the aged and the handicapped. There is always a need for proper supervision. I fully support my party's demands for that regulation to be put in place immediately. A person or family must have the right to move from one nursing home to another if difficulties are encountered. That freedom to move is important. If the owners of nursing homes know clearly that people can move if they do not provide a proper service, that will be more important than anything an inspector can do.

Another major issue involved in the care of the elderly is the lack of funding for nursing home subvention. In my area of Cavan-Monaghan we have the most severe difficulties of anywhere in the country. On many occasions we have people in their 90s on waiting lists to get subvention because insufficient funding is provided. Nursing homes must provide heat, care and attention of all sorts. Their costs have increased dramatically over recent years as a result of direct charges for waste, increased fuel prices, increased labour

costs and so on, yet there has been no increase in the subvention. It is difficult to explain to a 99 year old that out of a budget of more than €11 billion available to the Tánaiste, home care subvention for those who have established the State cannot be provided.

I welcome this debate organised by the Fine Gael Party. It has coincided with RTE's "Prime Time" programme which clearly exposed the failure of the Government to oversee the needs of the elderly and care for them. We in Fine Gael have offered to extend the Dáil sittings into July to have the necessary legislation introduced. It is vital that the Government take up that offer and deal with this critical issue now.

There are cases in my constituency where some difficulties were encountered, but the majority of nursing homes do an excellent job, which we must recognise. However, the funding must be put in place to ensure that all nursing homes can function properly and that the elderly and disabled are properly looked after.

**Mr. Ring:** Why does it once again take "Prime Time", a national TV programme, to highlight such a matter? I recall that in 2001, when the Minister of State with responsibility for older people was in this House, I raised an issue regarding a nursing home in north Mayo. I will inform the House of the response by the State and the health boards. I received a complaint from a family member and went to the nursing home, unannounced, on a Saturday evening. The matron did not want to let me in. I said I was going in because as a publicly elected representative I had a right to see for myself what was going on. I told her I had received a complaint and was investigating it.

I returned to this House and put my comments on the record. A Member of the previous Dáil, a colleague of the Minister of State, Deputy Brian Lenihan, saw the charade by the health board, which could not cover up what had happened quickly enough. It used a substantial amount of money — and I take the credit for that action — in bringing that public nursing home up to a standard whereby people could at least feel they were in a nursing home rather than endure the conditions I saw on the night I visited. I put all that on the record of the House.

I will inform the House what happened three weeks later. It reflects what is taking place in this country. It is time for the Minister of State and his colleagues to realise it. He and the health officials are paid by the State, taxpayers in effect. Health officials must own up to their responsibilities. They are all running for cover and away from the problem, with none of them taking responsibility.

When I raised the complaint about the nursing home in this House, the Western Health Board cleaned up the problem. It organised an open day. There was a big charade with all the elected Fianna Fáil representatives who brought local radio representatives with them. The sad thing

was that the Minister who visited the nursing home on that day thought he was fooling the people there. The people spoke a few months later. The Minister was not re-elected, while I got the largest vote ever seen in that area.

**Mr. B. Lenihan:** This is unworthy of the Deputy.

**Mr. Ring:** The people knew that what I said was the truth. The charade did not work. Charade is all the Government is good for.

**Mr. B. Lenihan:** Where Mayo is concerned, the Deputy is the master of charade.

**Mr. Ring:** Like the Minister, the Minister of State is all talk and public relations. The Minister for Health and Children informed the House she would make the elderly a priority. We have not seen evidence of that in the House during this debate. If the elderly are such a priority with her, why is she not present? This is the most serious issue the State has faced since its foundation because we will all be judged on how we look after our elderly. Whether the Minister of State likes it, he too will become elderly. He will want to be judged by the people coming behind him and will want them to look after him. If we cannot look after the people ahead of us, we are a sad people.

I raised this issue on many occasions. The Minister of State can check the Adjournment debate. I regularly asked in the House for an inspectorate for both public and private nursing homes. We had a daft situation. The State — the biggest culprit in this area — did not have its nursing homes inspected, while the health boards gave advance notice of when they would inspect the private nursing homes. The whole affair was a joke.

I compliment “Prime Time”, but it is sad that we do not listen to Members of this House and do not take them seriously any longer. Today, the Minister for Justice, Equality and Law Reform announced the Morris tribunal report, but that should have been done in this House, not at a press conference. It is no wonder people in this country no longer vote. We have no respect for ourselves in the House nor any respect for the House. I know the EU constitution has nothing to do with nursing homes, but it is no wonder that the people of France and the Netherlands rejected that constitution and that the people of this country will do so as well. We are sick and tired of being dictated to from those abroad. We are sick and tired of being dictated to by officials elected by nobody and answerable to nobody, not even to the Minister any longer.

If the officials with responsibility for nursing homes were doing their jobs, we would not have the situation seen on “Prime Time”. I compliment RTE on investigating the situation and doing a proper job. We have some great public and private nursing homes but we must deal with people who are in the business only to make

money and who do not care how they look after our elderly.

The Minister of State and the Government should note that in 2001 we were promised inspectorates. We are now in 2005 and the Dáil is closing down next week. There is no need for that. Let us bring in the emergency legislation to deal with this matter next week. If that legislation is brought before the House, we will play our part.

**Mr. Timmins:** I would like the officials of the Minister of State to follow up on the matter I now raise. The “Prime Time” programme showed quite shocking procedures at the Leas Cross nursing home but I am given to understand that the director of that nursing home sought specialist help to deal with the individual with multiple pressure sores. The recommendation from the specialist was that a certain course of dressings should be sought. The nursing home approached the health board to get sanction to purchase the dressings because the patient in question was a public patient. I understand that the health board told the director of nursing that the dressings would not be cost-effective and would not sanction the funding needed.

This is an important issue. If that patient had been a private patient, the sores would have been dealt with, but because he was a public patient, they were not dealt with. This method of purchasing dressings in nursing homes is a sham. If the individual was at home in a private house, he would have had access to the correct dressings. I would like the officials to check that. That is the other story to be told here, involving the refusal of the health authority, under the control of this Government, to sanction dressings for that gentleman who appeared on television with multiple pressure sores.

**Ms McManus:** This is a significant and welcome debate. It should, but probably will not, result in significant changes. This is not the first time that Members of the House have raised shortcomings in the regulation of nursing homes, but so far the Government has failed to address the concerns. With the exposure of inhuman conditions at the Leas Cross nursing home and the admission by the Taoiseach that the HSE was duped by the home’s owners, it is imperative that the Government act immediately.

Nobody could have faith in a regulatory system which is so ineffective, so limited in its scope and so easily hoodwinked, yet elderly people and their families are being asked to have faith in the existing system for now rather than being given the protection in law of a properly resourced and powerful inspectorate. That is the message from the amendment of this weak and self-serving Government to this motion. It is typical of a Government that does not deal with crises in the health service, but tries to ride them out. Words of comfort from the Minister for Health and Children are no substitute for action. Apart from the



[Ms McManus.]

Health Service Executive providing some interim arrangements at Leas Cross, the Minister has done nothing to assuage the widespread public distress being expressed.

This Government could and should introduce measures to bring this scandalous situation under control, not some time in the autumn, but now.

The social services inspectorate should be put on a statutory basis, as was promised in 2001. Legislation should be introduced into the House before the end of this term. The Labour Party will be more than willing to accommodate such a measure if the Government takes up the offer.

We find it inexplicable that the Taoiseach refuses point blank to provide such protection for the elderly by way of emergency legislation. He had no problem in protecting the State from costs by having emergency legislation passed, not once but twice, in recent weeks. Nor was there any difficulty in taking swift action in 1990 when the Government recalled the Dáil to pass emergency legislation, not to safeguard vulnerable and sick people, but to save the Goodman company. What kind of priorities does this Government have that excuse such lethargy and cynicism in the face of such need?

What is this Government for, if not to protect vulnerable people from abuse and poor standards of care? A good Government would ensure legislation was fast-tracked through the House. It has the support of the Opposition and it is not as if obstacles would be put in its way. If necessary, the Government should extend this term to ensure it is introduced within weeks rather than months or even years as has been the fate of other legislation.

In the meantime, a good Government would ensure standards of safety of care. The obvious way to do this is to resource the Health and Safety Authority to carry out an audit of nursing homes immediately, as it has done successfully in our accident and emergency departments. The audit could target a number of nursing homes within a specified timeframe and report, possibly to a Dáil committee, to ensure there is transparency.

That is what good effective Government involves. Sadly, it is clear this is something we do not have.

**Mr. S. Ryan:** Hear, hear.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The House will divide as it always does at 8.30 p.m., but I do not believe there is any fundamental difference of principle between the different sides of the House on this issue. There is no doubt about the shock that the broadcasting of this report has created. It is terrible that elderly persons are subjected to any abuse. We all have an obligation to ensure

the highest standards are observed in our nursing homes and that any malpractice is put to an end.

This Government, like all Members, places huge value on older people and this has been reflected in many of the decisions it has taken on policy for the aged. I am talking here about the substantial increases in the non-contributory old age pension. Substantial investment has been made in this area.

**Mr. S. Ryan:** Come off it.

**Mr. B. Lenihan:** If the Opposition wants to examine its conscience in this area, it should resile from the nonsense —

**Mr. S. Ryan:** The Government just made promises but would not even bring in the statutory inspectorate.

**Mr. Neville:** What was not done should be done now.

**An Ceann Comhairle:** The Minister, without interruption.

**Mr. B. Lenihan:** —we had following the Supreme Court decision on the nursing home charges. Everyone knows the reality of the position and where our priorities should lie.

**Mr. O'Dowd:** The Government has done nothing about it.

**Mr. S. Ryan:** The Government was in power and had responsibility for the area but would not bring in the legislation.

**Mr. B. Lenihan:** We have an excellent social services inspectorate.

**Mr. O'Dowd:** It does not inspect nursing homes.

**An Ceann Comhairle:** The Deputy will have an opportunity to reply at 8.15 p.m.

**Mr. B. Lenihan:** It is now going to inspect nursing homes and will be put on a statutory basis under the health information and equality authority legislation.

**Mr. O'Dowd:** When will the legislation be passed? It was promised five years ago.

**Mr. B. Lenihan:** That will be put in place. It is important that we realise that much has been done in this area. The national broadcaster should be commended on the programme shown the other night. The Government did not operate that particular nursing home and was not in charge of it. This attempt by the Opposition to turn every public issue into a direct attack on the Government is unacceptable because Government Deputies are as concerned as Opposition

Deputies about the care and welfare of the elderly.

**Mr. O'Dowd:** But they are not doing anything, even though they have the power. The Government will not even legislate.

**Mr. Neville:** It is eight years in power.

**Mr. B. Lenihan:** We are extending the remit of the social services inspectorate.

**Mr. Neville:** That was recommended in 1998.

**Mr. O'Dowd:** When can we expect it?

**Mr. B. Lenihan:** The inspectorate does not need an Act to inspect a home. It will inspect homes from now and that will be put on a statutory basis on the enactment of the health information and equality authority.

**Mr. S. Ryan:** The Taoiseach did not know that yesterday.

**Mr. B. Lenihan:** The inspection process is a vital need. Deputy Ryan raised this issue in the past, and all credit to him for that. Other Deputies have also raised the issue. Previously, each of the ten health board areas had discretion to adapt the procedure to suit the workings of their own inspection teams. That was provided for in the Nursing Home (Care and Welfare) Regulations of 1993. However, the inspection process is currently being updated, following the commencement of the Health Service Executive which is unifying the workings of the inspection teams nationwide.

The legislation that established the Health Service Executive was subjected to a great deal of obstruction and delay in this House, which I witnessed, by the Opposition parties.

**Mr. O'Dowd:** It was obstructed because there is no democracy in it. The Government removed democracy when it abolished the health boards.

**Mr. B. Lenihan:** The Opposition objected to that legislation because health legislation has established an executive.

**An Ceann Comhairle:** Deputy Lenihan without interruption. Deputy O'Dowd will have an opportunity to respond later.

**Mr. B. Lenihan:** The proof of this pudding is in the eating. Now we see what happened under the regime of the health boards. We see, thanks and credit to RTE, what exactly was happening in each health board area — no uniform standards or practice —

**Mr. O'Dowd:** We cannot raise the matter with the health boards because they are gone.

**Mr. B. Lenihan:** We brought in the Health Service Executive to bring uniformity to this area and to bring accountability into our health service. We were obstructed day and night by the Opposition when we sought to introduce that legislation.

**Mr. O'Dowd:** That is rubbish. The obstruction is from the Government against the elderly.

**Mr. B. Lenihan:** The Opposition cannot just watch a programme on one night of the week and produce a motion another night. The Opposition must be as consistent as the Government. It must face up to that.

The Health Service Executive is now unifying the workings of the inspection teams nationwide. That is a welcome step and shows the value of the executive. It shows the rationale of why we need an executive. We need a body to bring uniformity into this area. The Government is committed to establishing an independent inspectorate for public, private and voluntary nursing homes. The necessary legislation is already being prepared. The policy for the inspectorate will be available this year and will examine all the shortcomings in the current legislation. It will then be easier to identify when a home does not receive the statutory minimum of two inspections within a 12 month period. It will also implement a common national standard to the inspection process.

The regulations place the requirement that designated officers should inspect a nursing home not less than once in every period of six months. This function is currently carried out by inspection teams within the HSE.

**Mr. Neville:** It does not carry them out.

**Mr. B. Lenihan:** Reports from all HSE areas were received by the Department earlier this year following inquiries regarding inspections.

**Mr. Neville:** Page two of the statement shows that many of the homes were not examined.

**Mr. B. Lenihan:** I am dealing with that issue. They revealed that in the majority of these areas, the requirement of two nursing home inspections per year is being met. Areas which were not meeting the requirement have a number of reasons for this. The two inspections may not have been carried out strictly within a 12-month period but would have been carried out shortly afterwards. Also, the statutory requirement for six-monthly inspections was being met by environmental health officers, but the requirement for twice-yearly inspections by the medical and nursing inspection teams was not being met in full in the case of all nursing homes. However, in many instances these nursing homes would be inspected more than twice a year arising from issues identified in routine inspections or where a change occurred regarding registration details. It

[Mr. B. Lenihan.]

is also the case that nurses may follow up between inspections to offer advice on nursing issues.

Last year, 435 private nursing homes were registered and needed to be inspected. Of these 82 were inspected once——

**Mr. Neville:** Some 82 were inspected just once.

**Mr. B. Lenihan:** ——and would be subject to the points I already outlined. A total of 298 homes were inspected twice and 55 homes were inspected three times or more. In general, where problems occur, the inspectors from the HSE discuss the details with the nursing home operators and this generally ensures that matters are addressed. It is in this area of discussion that many concerns were raised by the Opposition. This issue will be considered in the review of the regulations. The social services inspectorate was established in April 1999, initially on an administrative basis. A commitment has been made to establish the body on a statutory basis. I fully support the proposal to establish the social services inspectorate on a statutory basis. I salute the magnificent work done by the body in inspecting children's facilities throughout the country. In the context of the health reform programme, added emphasis is being placed on setting and monitoring standards generally. The brief of the social services inspectorate will be extended to include residential services for older people. The establishment of the inspectorate on a statutory basis will strengthen its role and give it the independence it needs in the performance of its functions. It will increase public confidence in State and voluntary social services.

In line with the agreement reached yesterday by the Health Service Executive and the nursing home in question, a director of nursing from the northern area of the HSE commenced work in the nursing home today. The Minister of State, Deputy Seán Power, has received a commitment from the chief executive of the relevant HSE area that he will receive a progress report on the operation of the action plan within a month. The Minister of State also wrote to the Garda Commissioner, Noel Conroy, yesterday. He asked the Garda Commissioner to meet representatives of the HSE as a matter of urgency to discuss issues that have arisen with a view to identifying matters which should be followed up by the Garda.

Deputies expressed concern yesterday evening about the current situation at Rostrevor nursing home, which the former South Western Area Health Board attempted to close in the High Court last year. The Department, which received the most recent inspection report today, has been informed that an inspection took place on 25 May 2005. The inspection team met the person in charge and the proprietor. Another nurse was also on duty at the time. The team noted that 12

people were resident in the nursing home, which has capacity for 23 residents. A bathroom with full disabled access has been installed in the home, which is being refurbished at present. The inspection team was satisfied, when the inspection took place, that the nursing home was complying with the Nursing Home (Care and Welfare) Regulations 1993.

A great deal of work has been done in respect of nursing home regulation since the publication of the Mercer report on the financing of long-term care and the O'Shea expenditure review. The publication of the reports led to a review of legislation on nursing homes.

**Mr. S. Ryan:** The Minister of State has spoken for well over the five minutes he was allocated in this slot. He is denying other Members the opportunity to speak.

**An Ceann Comhairle:** The Minister of State would have been entitled to a 20-minute slot if such a slot had been available.

**Ms Enright:** It is not available.

**An Ceann Comhairle:** Ministers normally speak between 8.10 p.m. and 8.15 p.m. on Wednesday evenings. On this occasion, however, there is a gap as a result of the Government's failure to use all its time slots yesterday evening. Therefore, the Minister is entitled to——

**Mr. O'Dowd:** The Government could not get enough speakers.

**An Ceann Comhairle:** If I applied the rules in the way Deputy Sean Ryan would like me to apply them, I would have to conclude the debate at 8.20 p.m.

**Mr. S. Ryan:** No.

**An Ceann Comhairle:** The House would have to vote at that stage.

**Mr. S. Ryan:** It has been custom and practice——

**An Ceann Comhairle:** No, Deputy, it has not.

**Mr. S. Ryan:** It has.

**Mr. Kirk:** Deputy Ryan is delaying the Minister of State.

**Mr. S. Ryan:** If the Government does not use all its time, the remaining time is allocated to the Opposition.

**An Ceann Comhairle:** The Opposition will have 15 minutes, between 8.15 p.m. and 8.30 p.m.

**Mr. S. Ryan:** That is a change.

**Mr. J. Brady:** The Deputy should look at the clock.

**An Ceann Comhairle:** The debate is organised on the basis of 20-minute slots. The Minister of State has approximately one minute remaining.

**Mr. B. Lenihan:** I am acting in accordance with the advice of the Chair. I am not attempting to frustrate anyone. I acknowledge that Deputy Sean Ryan has taken a particular interest in this issue and I commend him for that. I am not afraid to state on the record of the House that Deputy Ryan is one of the few Deputies who has consistently raised this issue in the House.

The amendment to the subvention regulations in 1996 gives the Health Service Executive the discretion to pay a higher rate of subvention than the rates I have mentioned, thereby further assisting people who are having difficulty in meeting the cost of long-term care. Of the more than 10,000 people who were in receipt of subvention payments at the end of December 2004, almost 4,100 were in receipt of enhanced subvention payments and a further 1,339 people were occupying contract beds. Therefore, almost 11,500 patients are receiving a contribution to the cost of their long-term care under the subvention scheme. Approximately half of them are in receipt of a payment that is higher than the rate their level of dependency may require.

The Health Service Executive has launched a national freefone information line, 1800 777737, for members of the public who have concerns about older people in residential long-term care. The information line will operate between 9 a.m. and 5.30 p.m. from Monday to Friday. The staff operating the service will take details of callers' names and concerns, and will arrange for a relevant person in the callers' local areas to contact them to follow up their queries. The HSE will vigorously pursue any complaints made about other nursing homes to ensure that the welfare of patients is protected.

Further work is required in the coming years to improve services. The active participation of all involved is needed if we are to make progress and achieve the delivery of quality and cost-effective services to older people, which is the most important aspect of this matter. The Government has given visible evidence of its commitment in this regard. It is committed to enhancing the level of support available to older people, but that can only be achieved in a sustainable and enduring manner if it is delivered in a financial environment which protects the delivery of services for the future.

The Government, which has demonstrated its commitment to developing services for older people, will continue to strive to improve their lot during its term in office. That it values the commitment of older people is clearly demonstrated by the additional resources it has allo-

cated in recent years to improving services for them. Legislation will be introduced to ensure that the quality of long-term care settings will never again be in question.

**Deputies:** Hear, hear.

**Ms Enright:** I wish to share time with Deputies McCormack and O'Dowd.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Ms Enright:** I welcome the opportunity to speak on this motion. I compliment my Fine Gael colleague, Deputy O'Dowd, on the consistent hard work he has done in this area. The episode of "Prime Time" that was broadcast last Monday was harrowing and frightening. It highlighted the appalling neglect and, in effect, abuse of elderly people in our society. The core of this issue is that we do not know how widespread this problem is. The Government has failed in this regard by not putting in place a proper inspectorate. Everyone in the House is aware of some excellent and fine nursing home care facilities in the public and private sectors. We are also aware of some very poor facilities, however. I refer not just to nursing homes but to hospitals, for example. Like other Deputies, I have heard criticisms of the cleanliness of hospital facilities.

Last Monday night's television programme brought the issue of nursing home care to the fore of everyone's attention. It is important to bear in mind, however, that it is not the first time the issue has been highlighted. I do not remember when this matter was raised 21 years ago, but I heard that case mentioned on RTE radio this morning. It seems that public representatives received the same reaction on that occasion.

**Mr. S. Power:** We do not remember that long ago.

**Ms Enright:** One or two Members on the Government side might remember it.

**Mr. Neville:** The Minister of State should remember when it was raised two years ago.

**Ms Enright:** Given that the circumstances of that time are well-documented, the Members on the other side should know about the matter, even if they do not remember it. Legislation was eventually passed at that time. If one checks the record, one will learn that regulations were drawn up, although it is obvious that they were not enforced. That is the kernel of the problem under discussion.

Given that the system in place has failed the people for long enough, I do not accept the argument made by many speakers that we need to wait for legislation to be brought before the House. The Minister of State, Deputy Brian Lenihan, and Deputy Fiona O'Malley accused the Opposition of trying to have it both ways, a charge that could be far more appropriately

[Ms Enright.]

aimed at the Government, particularly the Minister for Health and Children, who is the leader of Deputy O'Malley's party. As Deputy Kenny said earlier, the Minister was happy to rush through legislation to legalise nursing home charges, but she is unwilling to show similar haste on this issue, despite the promises of co-operation with such legislation made by Fine Gael and the other Opposition parties. I do not like legislation to be rushed through the Oireachtas, but I would prefer that to happen on this occasion, as long as it is good legislation, rather than the House to take its summer recess while people continue to suffer. It is unacceptable for the Government to tell people to sit tight and wait for it to produce legislation after the summer.

The Minister of State, Deputy Brian Lenihan, seemed to have all the answers in his speech. If that is the case, why is the Government unable to compile the answers in legislative form and bring such a Bill to the House? There is no reason that cannot be done. The Government has been in charge of the health service for almost eight years, but it has failed to produce detailed guidelines on what nursing home inspectors should look for. Why has the Government failed to introduce uniformity across all sectors? I refer to uniformity of best practice, rather than uniformity for the sake of it. Why has it not introduced new care regulations?

Why can people not see inspectors' reports, which should be a basic matter? Why are the children of elderly parents unable to compare one nursing home with another when they are making one of the most difficult decisions they will ever have to make? I do not understand why people are not allowed to compare nursing homes, to ensure they are choosing the best possible nursing homes for their parents and relatives. We need to put in place such back-up services. Everything seems to be done after the event.

The Minister of State, Deputy Brian Lenihan, said that a great deal has been done, but that is a tired slogan. If the Minister of State was in the nursing home shown on television on Monday night, or in any other poor nursing home, he would realise there is much more to be done. Something needs to be done urgently. It is a failure on the part of the Government. The buck must stop at some door. It must stop at the door of the Minister for Health and Children.

**Mr. McCormack:** The Fine Gael motion calls for the introduction of a uniform assessment criteria for all nursing home, and nothing could be more simple. The motion was prompted by the revelation in RTE's "Prime Time" programme on Monday night. The Government has seriously neglected the care of the elderly for years. This morning the Taoiseach made a feeble attempt to say that inspections were carried out on a regular basis. Deputy Kenny exposed the fact that just 80 out of more than 200 nursing homes were inspected in one year. Notification of these

inspections was given. There was to be no notice for a second inspection, but there was no second inspection that year.

This crisis did not arise now. As far back as 1989, seven years ago, when the present Government was in power, the National Council on Aging and Older People submitted to Government a report on abuse but nothing was done about it. The Government gave a commitment to establish a social services inspectorate in An Agreed Programme for Government in 2002 but nothing was done. This morning the Taoiseach said legislation will not be introduced in this term to deal with the problem. The problems in public and private nursing homes are far more widespread than is accepted generally.

I am sure other Deputies have been made aware of many problems the elderly experience in nursing homes. There are excellent nursing homes, from which I do not want to take away, but this publicity is tarring everyone with the same brush in the way politicians are tarred with the same brush because of the actions of some unscrupulous politicians.

**Mr. F. McGrath:** Hear, hear.

**Mr. McCormack:** This gives politics a bad name in the same way this is giving nursing homes a bad name, which in some cases is not deserved.

The crux of the problem is that most elderly people do not wish to spend their final days in a nursing home. If there were proper back-up facilities for carers, fewer people would spend their latter years in nursing homes. Given their experience, elderly people in family homes could be a big asset to communities, families, children and grandchildren. If a proper carer's allowance system was put in place, there would be less need for nursing homes and it would reduce the problem with regard to nursing homes. We would have a better society, better communities and better families, but it is up to the Government to provide the necessary funds for the 110,000 carers who are caring for people in their own homes. This would encourage more people to care for their elderly relatives in their own home.

I dealt with a case this week of a lady who came home from England to mind a very sick relative. Because she was on a pension from England of €100 a week, she qualified for just €61.10 of a carer's allowance. That person is minding her family member for a miserable €61 a week for 365 days a year. If a proper carer's allowance was available to members of such families, more elderly people would remain in their own homes and we would have a better society.

The ball is in the Minister of State's court. Before he left, the Minister of State, Deputy Lenihan, read the regulations which indicated that inspections should be carried out every six months. This is what should be done. The Ministers of State, Deputies Power and Lenihan, are in Government. They should solve the problem by having inspections carried out every six

months. If this is done, the second inspection will be without notice. Because inspections are carried out just once a year in less than half the nursing homes in the country, the health boards are obliged to notify the nursing homes of the inspections. This is not a real inspection, it is just examining the books. To have a real inspection, it would have to be without notice. If the Minister of State applies the criteria laid down, we will have a better society for everyone.

**An Ceann Comhairle:** With the agreement of the House, I propose to call on Deputy O'Dowd to conclude the debate in the absence of Deputy Twomey who proposed the motion.

**Mr. O'Dowd:** This has been an important and crucial debate in which not just Members of the House have been involved, but the whole country. I have not met anyone in recent days, either inside or outside the House, who is not talking about what went on in that nursing home. Great credit is due to the "Prime Time" programme. We need to expose these issues. We also need more transparency and openness in public life.

The Freedom of Information Act must be reformed to make it easier to obtain information, not more difficult to do so. If one tries to get a nursing home report today and it is refused, one must then submit an appeal with €75. This is not good enough. If one wants to appeal to the Information Commissioner, one must pay approximately €200. The Government is trying to prevent information on nursing homes being made available. It has also done away with democracy. There is no longer any democracy in the health service. For all their faults, under the health board system, one could raise issues with the line manager responsible for nursing homes. One cannot do so now. If one makes a phone call, it will not be returned. If one puts down a parliamentary question, one will have to wait three months for a reply, and one might not even receive a proper reply.

We need good legislation to weed out bad operators, especially since elderly patients have a high risk of suffering from an injury or abuse. Good nursing homes are paying the price for bad Government. As my colleagues on all sides of the House said, many caring and dedicated nursing home operators are tainted with the same brush as bad operators because of a lack of legislation. Everyone agrees that the independent inspectorate is vital for the nursing home sector. We have always said so. Five years ago, the Minister said in the Seanad that such an inspectorate would be set up. Over the past five years, whenever we brought the nursing home issue to the attention of the Government, we were told that something would be done, but it did not do anything. However, something will have to be done now.

The Minister of State, Deputy Callely, is in an exceptional situation. He received a letter from someone who, in the words of the Beaumont

specialist, suffered from the worst case of pressure sores he ever saw in his life. He said in a letter three years later that he could still recall vividly how bad the sores were. The Minister of State did his job as a TD but he did not do his job as a Minister of State. He did not introduce legislation to change the way nursing homes operate. That is the charge against the Minister of State, which he failed to answer. He ought to resign.

The Government failed to accept responsibility for this problem. Members on the opposite benches have known about this problem for at least five years and they did nothing about it. It rests there. The Government has refused to support the Fine Gael motion, in which there is nothing objectionable. We want an independent inspectorate and an independent commission to examine elder abuse, and the Government has refused to accede to this. The Government will vote against the motion. The people will pass judgment on the Government. One of the biggest judgments they will make is in the area of the health services and the Government's failure to deliver. It is an inescapable fact that the Government knew about the issue but it refused to deal with it.

I have three questions for the Minister for Health and Children. Will she publish a recent eastern health area report in respect of nursing homes? Did any group of doctors recently recommend to the High Court that the Leas Cross nursing home in Swords was suitable for patients? Did the Minister carry out any assessment of nursing homes before patients are transferred there arising from the accident and emergency package?

**Mr. S. Ryan:** Does the Deputy expect to get answers?

**Mr. O'Dowd:** It is a fact that the Minister of State put people into nursing homes. The question is whether there were adverse medical reports on these nursing homes.

Everyone wants things to be right and to change. There is no reason the Dáil cannot sit next week. There are models for legislation in England, which is one of the best in the world, New Zealand, Canada and America. There should be no difficulty structuring legislation in this regard but the Government has neither the will nor the intention to do it. People continue to be put at risk in nursing homes.

A local chip shop can be closed if it breaches hygiene regulations but the Minister of State cannot close the Leas Cross or Rostrevor nursing homes because the High Court has ruled he does not have the power to do so. That will continue until the law is amended and the Government should do so now.

**Mr. Neville:** Where is the Tánaiste and Minister for Health and Children?

Amendment put.

## The Dáil divided: Tá, 69; Níl, 52.

## Tá

Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Tony.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Kelleher, Billy.

Kelly, Peter.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistram, Thomas.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 O'Connor, Charlie.  
 O'Donnell, Liz.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.

## Níl

Boyle, Dan.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Connaughton, Paul.  
 Costello, Joe.  
 Crawford, Seymour.  
 Cuffe, Ciarán.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Ferris, Martin.  
 Gregory, Tony.  
 Harkin, Marian.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 McCormack, Pdraic.  
 McEntee, Shane.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Gay.

Mitchell, Olivia.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Upton, Mary.  
 Wall, Jack.

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

Amendment declared carried.

The Dáil divided by electronic means.

Question put: "That the motion, as amended, be agreed to."

**Mr. Kehoe:** As a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Kehoe is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 67; Níl, 53

Tá

Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Davern, Noel.  
 de Valera, Síle.  
 Dempsey, Tony.  
 Devins, Jimmy.  
 Ellis, John.  
 Fahey, Frank.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Gallagher, Pat The Cope.  
 Glennon, Jim.  
 Grealish, Noel.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Kelleher, Billy.  
 Kelly, Peter.

Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistram, Thomas.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 O'Connor, Charlie.  
 O'Donnell, Liz.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keeffe, Ned.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.

Níl

Boyle, Dan.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Connaughton, Paul.  
 Costello, Joe.  
 Crawford, Seymour.  
 Cuffe, Ciarán.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Ferris, Martin.  
 Gregory, Tony.  
 Harkin, Marian.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Howlin, Brendan.  
 Kehoe, Paul.  
 McCormack, Padraic.  
 McEntee, Shane.  
 McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 McManus, Liz.  
 Mitchell, Gay.

Mitchell, Olivia.  
 Murphy, Catherine.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keeffe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

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



Question declared carried.

### Adjournment Debate.

#### Alternative Energy Projects.

**Mr. Crawford:** I thank the Ceann Comhairle for the chance to raise this very important issue. I could not help raising the matter after listening to the Taoiseach speak at the launch of the wind power plant off the coast of Arklow last week. He made it clear that he wished something could be done to ensure wind power would be fully utilised and that we would have a scheme in place shortly.

It reminded me that when AER6 licences were given out over two years, a commitment was given by the then Minister to those who failed to get licences that they would get an opportunity to proceed with their schemes through some other mechanism in a very short time. However, this has not happened yet and it needs to be dealt with urgently. For example, on Bendoomountain in the Kill area of County Cavan, 28 farmers have come together to provide sites for 33 or 35 wind turbines. This arrangement had been sorted out legally, planning permission had been granted and the application was made. However, the company has not received the go-ahead for the scheme or any support.

I raise this issue for two reasons. We have a serious problem with the cost of electricity and the cost of the fossil fuels that provide it. However, there is also an onus on this country at European level to provide as much green energy as it can. Second, those farmers understood three years ago that they would be in a position to get a reasonable additional income from their mainly poor quality farm land. An income from wind power would be an additional bonus for them that they could depend on each year.

It makes economic sense for Ireland to encourage the building of a significant percentage of renewable generation plants, confined not just to windmills but to other renewable sources. This would be at a known fixed cost and would therefore provide a hedge or insurance policy against volatile fossil fuel prices. Ireland is much more vulnerable to fossil fuel prices than its European competitors, with 97% of its electricity derived from fossil fuels. There should therefore be support mechanisms which would promote the maximum exploitation of Ireland's key natural renewable source, which is wind. This should be targeted in both on-shore and off-shore projects. We saw the opening of an off-shore plant the other day.

Given that Ireland is moving towards an all-Ireland energy market and an all-Ireland electricity market in 2007, it makes sense to realign renewable energy support in the Republic with that applying in Northern Ireland. Northern Ireland has just introduced the UK system of

renewable obligation certificates, a market-based support mechanism whereby all electricity suppliers are forced to buy certificates from renewable generators. The cost of the ROC system then acts as a support for renewable generators.

We must ensure that all possible renewable energy is used in this country. We must no longer allow those individuals who wish to develop renewable energy to move to Scotland, Spain, the US and other places to do the work they want to do here. I hope the Minister of State tells us that aid will be made available at a level that will justify establishing these very valuable sources of energy. I welcome whatever good news the Minister of State has.

**Minister of State at the Department of Agriculture and Food (Mr. Browne):** I welcome the opportunity to clarify for the House the steps this Government is taking to support the greater use of renewable energy technologies and future proposed actions. The Government fully recognises the importance of reducing our dependency on non-renewable fuels, whose prices are subject to the vagaries of global markets, and certainly the energy markets. We have taken a number of innovative measures to which I shall return.

In addition, from a national economic perspective not just an energy policy or environmental perspective, increasing the amount of renewable energy in the system will help in substituting costly fuel imports and in dealing with levels of uncertainty in the future evolution of energy prices. It will also assist in providing a more balanced fuel mix.

The Green Paper on sustainable energy, published in 1999, set a challenging target to add 500 megawatts of new renewable energy-powered electricity generating plant to the electricity network.

That target was subsequently increased by this Government to 728 megawatts. In addition, specific categories of offshore wind and biomass fed combined heat and power plants were added to ensure those technologies also are explored. An accelerated payment method was also introduced to further reassure investors of the growing opportunities available from investing in renewable energy technologies. These departmental actions were supported by actions of Sustainable Energy Ireland to place various reports and a wind atlas beneficial to all potential applicants in the public domain. Further support for innovative proposals is available under the dedicated research demonstration and development programme operated by Sustainable Energy Ireland. Additional practical support and advice is available from the renewable energy information office located in Bandon, County Cork. These centres are also supported by energy agencies located in some local authority areas whose programmes are funded or co-funded by Sustainable Energy Ireland.

In December 2003, a consultation paper was published to hear the views of all interested par-

ties on future support mechanisms and targets. This was followed by the establishment of a renewable energy development group which included representatives of this Department, the Department of the Environment, Heritage and Local Government, the Commission for Energy Regulation, the network operators, the scientific community, the ESRI and representatives of both project developers and electricity suppliers. This is a broadly representative group and its work is reaching a conclusion.

However, my colleague, the Minister, Deputy Noel Dempsey, again demonstrating the urgency the Government attaches to the accelerated development of renewable energy technologies, satisfied himself on the basis of interim reports that there was sufficient consensus to announce certain conclusions. On 7 April last, addressing the annual conference of the Irish Wind Energy Association, the Minister announced future capacity requirements for renewable energy electricity generating capacity, broadening of the support mechanisms to include all supply companies in the market and changing the support mechanism from competitive tendering to a fixed price tariff.

The target announced by the Minister is to have more than 1,400 MW of renewable capacity built and operating on our electricity system by 2010. This will require us to more than double in five years what was delivered in the previous decade. Previous support contracts were exchanged between the ESB and successful applicants and the additional costs were recovered by the ESB through a public service levy. The electricity market is now a fully liberalised market and project developers are free to contract with any licensed supplier. The suppliers will be assured they will receive compensation on terms which match those already available to the ESB customer supply.

The most significant announcement by the Minister, Deputy Dempsey, was that the support mechanism will change from a competitive tendering process to a fixed price system. This announcement has received positive responses from representatives of project developers. I have already mentioned the support programme involves a public service levy, which is imposed on all electricity customers. There is, therefore, particularly in the case of a fixed price support mechanism, an onus on the Minister to ensure that the price imposed will deliver a reasonable and fair rate of return to project developers while ensuring that the interests of national competitiveness and the ultimate burden of cost to the final consumer are fully taken into consideration. The Department is finalising some finer details of the new support mechanism with the Commission for Energy Regulation and I expect that these discussions will be finalised shortly.

#### **Family Support Services.**

**Mr. Costello:** This matter relates to the Hill Street family resource centre and the threat to its existence. Today, five staff in the centre were put

on protective notice. There is a need for a commitment of €250,000 annually to keep the centre running.

The centre provides services to 125 families with children aged up to five years of age in the north-east inner city. A public meeting is planned for 9 June as a last ditch attempt to garner public support for action to preserve the centre. Time is running out because the funding has run out.

The centre was established on the basis of what was called the integrated services process. The idea was that a resource in an area, particularly a disadvantaged area, would be taken up by multi-agency groups and used for the benefit of the local people. In this case, it was largely the local authority, the health board, which is now the Health Service Executive, and the Department of Education and Science. The Garda and the probation and welfare service were also involved. It provided a marvellous resource for young children and their parents in terms of support and intervention services and information. It was exactly what was needed in the area.

The funding was provided on an *ad hoc* basis from the beginning. The problem arose when RAPID was initiated in 2001. It promised a great deal but it also meant the existing sources of funding were eroded. Nothing transpired from the promises from RAPID in 2002 and 2003. A crisis was reached in 2004. There is no mainstream source of funding and no means of sustaining existing services.

Urgent action and commitment are required from the Government. This is a physical resource that includes buildings, a playground and other facilities that have been taken on by the community and the multi-agency services. The HSE is now prepared to be the lead agency if the funding is forthcoming. However, without a commitment to long-term funding it is certain that this centre will close. It would be a terrible shame if a necessary facility such as this should cease to exist. The families will be disadvantaged by it, not to mention the staff who will lose their jobs. This centre represents the type of integrated initiative that has major benefits for a disadvantaged area.

I urge the Minister to offer us succour by stating that he is prepared to provide long-term funding, that the funding will be mainstreamed and that the crisis threatening the closure of the Hill Street family resource centre will be averted.

**Mr. Browne:** Hill Street family resource centre, based in inner-city Dublin, has been in receipt of funding since 2000 under the family and community services resource centre, FRC, programme, which is administered by the Family Support Agency. All FRCs are funded on the basis of three-year renewable contracts, subject to satisfactory progress being made. Under its current contract, Hill Street FRC received funding of €81,372 in 2003, €93,900 in 2004 and current year funding will amount to €93,000. Funding is also provided to the FRC from other sources.

[Mr. Browne.]

The centre's current contract with the Family Support Agency expires at the end of 2005 and will then be subject to renewal in accordance with the normal terms and conditions of the programme. FRC performance over the contractual period is monitored on an ongoing basis. Where difficulties arise, the agency's policy is to work with all concerned to try to resolve them. Withdrawal of funding is rare and would only occur if all other efforts at resolution of the difficulty have been exhausted.

The agency is aware that the centre is experiencing some difficulties. Management of the centre has requested that the Family Support Agency become the lead agency for this project. The agency funds 77 centres in the family and community services resource centre programme and expects this number to increase to 100 by the end of 2006. It would not be in a position to become a lead agency for any family resource centre.

Staff from the agency met the management committee of Hill Street FRC on 20 May last to discuss the difficulties the centre is having. Tosach, the regional support agency which provides day-to-day advice to the management under the FRC programme, also attended the meeting. Following the meeting Tosach prepared an action plan to address the issues discussed and has recently submitted this to the Family Support Agency where it is being examined. Once this examination is complete, the Family Support Agency will engage in further discussions with Hill Street family resource centre, in conjunction with Tosach, with a view to finding a satisfactory solution.

### Schools Refurbishment.

**Mr. Finneran:** I compliment the Minister on the great work she is doing in the education sector and on the programme of development taking place. My constituency has been the beneficiary of her largesse in that area. I visited Lisacul national school two months ago at the request of the principal, Tomás Ó Moráin, and the chairman of the board, Fr. John O'Rourke. I met the staff, pupils and the parents' representative. I saw that this was a school with a serious overcrowding problem and poor conditions. It is greatly in need of a refurbishment programme and an extension.

My greatest concern was that it seemed that nothing had happened since March 2001. The discussion on the development of the school has stood still since that time. Obviously, the board of management, teachers and parents are very concerned by this. I put this motion before the House so we can move the process forward with a view to accommodating the interests of the school and board of management.

Lisacul national school is a three-teacher school with 68 pupils as at September 2004. The school board of management submitted various plans to the Department but the plans were returned because, to some extent, the Depart-

ment decided on a different course of action to the board of management. That has been the position for some time.

While the Chief Whip, Deputy Kitt, will reply on the motion, I ask the Minister to provide clarity on this matter and to move the process forward with a view to ensuring that this school is definitely included in the 2006 programme. For that to happen, certain other developments must take place before the end of this year, namely, agreed accommodation and planning permission must be in place. I hope, following this debate, that I can report to the locality of Lisacul national school that the Minister's office will move the process forward, which I have no doubt it will.

I will not delay the House as other Members have matters to discuss. However, this issue has been brought to my attention publicly. The community in the locality of the school are very supportive of this development and have requested me, as their Deputy, to highlight their case and to ask for the direct intervention of the Minister to move the process forward.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I thank the Deputy for raising the urgent matter of Lisacul national school. It affords me the opportunity on behalf of the Minister for Education and Science to outline to the House the strategy of the Department for capital investment in education projects and also to outline the position regarding the application received in the Department for additional accommodation at Lisacul national school, Castlerea, County Roscommon.

Modernising facilities in our 3,200 primary and 750 post-primary schools is not an easy task given the legacy of decades of under-investment in this area as well as the need to respond to emerging needs in areas of rapid population growth. The Government has shown a sincere determination to improve the condition of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

We have progressively increased funding for the schools modernisation programme in recent years to achieve our goal, with an aggregate total of almost €2 billion allocated for this purpose since 1998, the largest investment programme in the history of the State. Since the beginning of the year the Department of Education and Science has made a number of announcements 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 the following: 141 major building projects already on site and a further 28 due to commence in the coming weeks; 122 major school building projects countrywide which will prepare tenders and move to construction during 2005; 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 approved to progress through the architectural planning process with immediate effect, ranging from new school building projects to extensions and refurbishment projects, allowing for the continuous roll-out of projects under the schools building and modernisation programme.

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 much more quickly with smaller projects while also delivering better value for money.

I greatly appreciate the work Deputy Finneran has done on behalf of Lisacul national school. The proposed building project to convert the existing classroom accommodation to a general purposes area with ancillary accommodation and to add a new three-classroom extension will be considered in the context of the schools building and modernisation programme 2005-09. I will be glad to relate Deputy Finneran's concerns to the Minister. I thank the Deputy for affording me this opportunity to outline the position on this matter.

#### **Fisheries Protection.**

**Mr. Ferris:** At 10 a.m. on 27 May 2005, the *Celtic Sun*, vessel T160, left Fenit on a fishing voyage. On board was skipper John Moriarty and his brother Billy Moriarty. At 1.30 p.m. the Naval Service vessel *LE Emer* called on the *Celtic Sun* to cut its engines as it wished to conduct a routine boarding. Both vessels were located eight miles south-west of Loop Head, at 52° 32' north, 10° 10' west. The boarding officer from the *LE Emer* was D. Tighe, who was accompanied by a female officer.

The naval officers requested the fishing vessel's logbook. The skipper, John Moriarty, informed them that as he was on a voyage of less than 24 hours, it was not necessary to have a logbook on board. The officer said he would not accept this and that he would accompany the crew of the fishing vessel ashore. The crew asked permission to shoot the nets and to go ashore to speak with the regional officer of the Department of Communications, Marine and Natural Resources for the area. This was not accepted so they contacted a fisheries inspectorate officer, Kevin Flannery from Dingle, by mobile telephone and asked him to clarify the situation. They lost con-

tact on the telephone but, working through the Valentia lifeboat service VHF radio, in the company of the naval officer, they again made contact with the inspector, Mr. Flannery. Mr. Flannery relayed to both the skipper and the naval officer that it is not necessary to have a logbook on board if the voyage is of less than 24 hours' duration.

The regulation concerning log books when fishing in Community waters states:

Masters of all fishing vessels more than 10 metres in length shall keep a logbook.

This rule shall not apply to vessels of more than 10 metres but not more than 17 metres in length on a fishing voyage of a maximum of 24 hours measured from the time of leaving port to the time of returning to port.

The length of the *Celtic Sun* is 11.95 metres. It is clear, given the regulations governing fishing in Community waters, that the vessel was fishing legally and the information relayed to the naval officer by the fishing inspector was correct. A warning was issued to the crew at 2.22 p.m. in respect of them not having a log book, they were ordered to go ashore and were accompanied as far as Kerry Head. They met the fishing officer with whom I spoke on the phone. He confirmed the details I have read out.

The crew lost a day's fishing as a result of this, and it was their only day's fishing that week. They have only had three days' fishing in the past four weeks. Notwithstanding the running costs of getting to the fishing grounds, they then had to come straight back. Many other vessels of the same length, or between 10 metres and 14 metres, on one-day fishing trips of less than 24 hours are similarly affected. The matter must be clarified. The Departments of Defence and Communications, Marine and Natural Resources are in conflict regarding interpretation of the rules. I thank the Minister of State for listening.

**Mr. Kitt:** I thank Deputy Ferris for raising the matter. I will outline my Department's position on it.

The State's fishery protection capability, as provided by the Department of Defence on behalf of the Department of Communications, Marine and Natural Resources which has policy responsibility for sea fisheries protection, is delivered by the Naval Service with assistance from the Air Corps.

The main day to day role of the Naval Service is to provide a fishery protection service in accordance with the State's obligations as a member of the European Union. The service is tasked with patrolling all Irish waters from the shoreline to the outer limits of the exclusive fishery limit, which covers an area of 132,000 square miles. These patrols are carried out on a regular basis and are directed to all areas of Irish waters as necessary. Fishery protection activity accounts for more than 90% of all Naval Service patrol time.

[Mr. Kitt.]

The operational targeting of the protection effort is co-ordinated with the Department of Communications, Marine and Natural Resources in accordance with procedures set down in the service level agreement between the Departments. Such targeting takes account of previous history of fishing, infringements, sightings, fishing zones, closed areas and species and allocated quotas amongst other matters. A comprehensive process is in place to identify and agree patrol plans and inspection targets. The objective in all cases is the protection of the fishing assets of the State.

With regard to the incident referred to by Deputy Ferris involving the fishing vessel *Celtic Sun*, on Friday, 27 May 2005 Naval Service officers from the LE *Emer* boarded the *Celtic Sun* some six miles off the Clare coast and carried out a routine inspection of the vessel. It was found not to be carrying an EU logbook, which is a requirement under national and European Union legislation for all fishing vessels of more than 10 metres in length. The Naval Service did not detain the vessel. The skipper was issued with a written warning and required to depart the fishing grounds and return to port to obtain an EU logbook.

There is no undue concentration by the Naval Service on fishery control in terms of the Irish fishing effort within Irish territorial waters. Obviously in numerical terms the Naval Service inspects more Irish than non-Irish vessels because there are more Irish vessels in our patrol area. However, over the past three years statistics show

that the percentage of non-Irish vessels in the patrol area boarded and inspected by the Naval Service is greater than the percentage of Irish vessels so inspected. In 2004, Irish vessels accounted for 50% of vessels sighted in the patrol area but only 44% of boardings and inspections.

The overall objective Irish seas fisheries and monitoring, surveillance and control is to ensure the highest possible level of compliance by all fishing vessels with the requirement of international, EU and national fisheries law. The Department of Defence, Naval Service and Air Corps will continue to work in partnership with the Department of Communications, Marine and Natural Resources in this regard. Co-operation with other member states will also continue to be pursued in the interests of effective monitoring, surveillance and control of all fishing activity in a consistent and co-ordinated manner across the EU.

I thank Deputy Ferris for raising this matter. We always deal with these issues late in the day. That is the official response to the matter and if he wishes to raise any other issues in the near future he should feel free to contact me.

#### **Message from Select Committee.**

**An Ceann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Garda Síochána Bill 2004 [*Seanad*] and has made amendments thereto.

The Dáil adjourned at 9.35 p.m. until 10.30 a.m. on Thursday, 2 June 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 8, inclusive, answered orally.*

*Questions Nos. 9 to 16, inclusive, resubmitted.*

*Questions Nos. 17 to 22, inclusive, answered orally.*

### Financial Services.

23. **Mr. McGinley** asked the Minister for Finance if he has taken any action on foot of a report by the One Parent Exchange Network highlighting the difficulty of lone parents in accessing financial services at a reasonable price. [18347/05]

**Minister for Finance (Mr. Cowen):** I welcome the publication of the One Parent Exchange Network's report which highlights the difficulties lone parents can face in relation to debt and accessing financial services. The report provides a valuable insight into an ongoing problem facing some sectors of society that this Government, in conjunction with the financial regulator, is committed to resolving.

The main obstacles facing lone parents in accessing financial services are identified in the report as being lack of financial knowledge particularly in relation to initiating the transaction and the need to provide suitable identification documents in order to open an account.

In regard to customer identification, the law requires financial institutions to clearly establish the identity of their customers in order to counteract money laundering activities. Guidelines issued in this regard and approved by the money laundering steering committee under the aegis of my Department, set out as good industry practice the measures that might reasonably be expected of credit institutions. They also state that any measures adopted should not deny a person access to financial services solely on the grounds that they do not possess certain specified identification documentation. For its part, the financial regulator has also repeated this as a requirement in its draft consumer protection code.

I am informed that the Irish Bankers' Federation has recently undertaken to communicate with its members in order to ensure that staff are reminded of procedures for opening an account and the accompanying identification requirements and will also continue to liaise with the financial regulator on this issue.

The report also highlights the barriers those in the low income bracket may face in understanding the differing nature of financial products. The

Minister for Social and Family Affairs, whose Department sponsored the publication of this report, has recently met the Irish Bankers' Federation and the Irish payment services organisation to discuss ways in which those in the low income bracket could access financial services.

As far as improving financial knowledge is concerned, the financial regulator with its statutory consumer mandate has developed a number of specific initiatives to help consumers make informed choices in terms of the financial products they choose, the amount of risk they take on and the cost of the financial products. These initiatives have been developed through the framework of the financial regulator's "It's Your Money" campaign and have involved publishing consumer guides on credit products, fact sheets, cost surveys on personal loans, all of which are intended to assist borrowers in making the most appropriate credit decisions given their circumstances. The financial regulator has also published a fact sheet entitled, How to Open a Bank or Building Society Account.

### Decentralisation Programme.

24. **Caoimhghín Ó Caoláin** asked the Minister for Finance the cost to date of the purchase of sites for office facilities for relocated Departments and State agencies under the decentralisation programme; and if he will make a statement on the matter. [18431/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works have primary responsibility for sourcing property solutions for the Departments-agencies which have been earmarked for decentralisation. Following a detailed evaluations of options available and intensive negotiations, suitable sites have been identified in a number of decentralisation locations.

Prices have been agreed for 13 locations and the contractual arrangements for these are progressing. The cost of acquisitions in these cases is estimated to be in the region of some €25 million, excluding VAT. State owned sites have been identified in a number of other locations, including Athlone, Sligo, Furbo and the Curragh and these are being made available for decentralisation purposes.

While prices have yet to be agreed, the process of acquiring sites in several other locations is at an advanced stage and the expectation is that several more acquisitions will be agreed in the coming months. Overall, the site acquisition programme is progressing satisfactorily and is well placed to facilitate the roll-out of the construction phase of the programme. All going according to plan, construction work will commence in several locations before the end of this year.

### Special Savings Investment Scheme.

25. **Mr. Wall** asked the Minister for Finance the number of special savings investment scheme accounts opened at the latest date for which fig-

[Mr. Wall.]

ures are available; the average amount of savings per investor per month; if, on the basis of any such figures, his Department will give a figure for the likely cost to the Exchequer of the specials savings investment scheme; and if he will make a statement on the matter. [18299/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that, based on the 2004 SSIA annual returns furnished by all qualifying savings managers, the total number of active accounts at 31 December 2004 was 1,094,294 and the average monthly subscription was €175 at that date. Fuller details of the SSIA position after end 2004 will be published on my Department's website shortly.

As indicated in replies to previous parliamentary questions, it is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to a number of variables such as participants dying, withdrawing from the scheme or varying their monthly contributions. The cost of the scheme in 2004 was €548 million. The estimated cost in 2005, based on the average tax credit payout in the first four months of 2005, is €576 million. This, however, is not a conclusive figure, and the final figure may be different if account holders change their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

#### Revenue Investigations.

26. **Mr. Costello** asked the Minister for Finance the implications of the recent High Court decision in favour of the Revenue Commissioners, which will require Irish financial institutions to hand over the names of those customers who held accounts of offshore subsidiaries; if these names have now been handed over; the action the Revenue Commissioners is taking on the basis of the information supplied; and if he will make a statement on the matter. [18269/05]

**Minister for Finance (Mr. Cowen):** In 2004, the Revenue Commissioners launched a campaign to identify Irish residents holding offshore accounts and a voluntary disclosure scheme was introduced to enable Irish resident holders of such accounts to declare related tax liabilities. Approximately 15,000 disclosures were received in this voluntary phase. The benefits of the voluntary disclosure scheme were that persons making a valid disclosure would pay reduced penalties would not have their names published in *Iris Oifigiúil* and would not be subject to a criminal investigation by Revenue.

The Revenue Commissioners stated at the time that they would conduct a follow up investigation to identify those who did not avail of the voluntary disclosure scheme. In this context, the Revenue Commissioners obtained a High Court Order on 9 May 2005 against an Irish financial institution to identify persons holding accounts in the offshore subsidiary of that financial insti-

tution. This High Court order was the first order obtained in the follow up phase of this campaign and the order has specified that information be passed to Revenue over a defined timeframe. This timeframe has yet to elapse. When the information is received it will be analysed by Revenue and used in support of a comprehensive follow up campaign against those with outstanding liabilities who did not come forward.

#### House Prices.

27. **Mr. Gogarty** asked the Minister for Finance if his Department has assessed the extent to which property based tax reliefs have fuelled property price inflation; and if he will make a statement on the matter. [18339/05]

**Minister for Finance (Mr. Cowen):** There are a number of property based tax relief schemes which cover a wide spectrum of economic and social activity. These include specific incentives to encourage the rejuvenation and development of targeted areas as is the case of the urban renewal and rural renewal schemes or to encourage activity in certain sectors, such as child care provision and student accommodation, where a rapid increase in demand and a lag in supply responses by the private sector resulted in increases in price inflation in respect of the costs of these services. Additionally, in many of the schemes relief is not only available for construction expenditure but is also available for refurbishment and conversion works. Given the wide range and scope of the reliefs and the complex nature of the interaction of other non-tax, sectoral specific and area specific supply and demand factors, the impact of all the incentives on property prices is difficult to isolate given that the schemes affect both the supply and demand side of the equation.

The review of tax expenditures I announced in the budget includes these property based schemes and requires the consultants to examine the impact of the schemes on the overall housing market in particular.

#### National Development Plan.

28. **Mr. Timmins** asked the Minister for Finance if he has plans to introduce a new development plan to succeed the NDP; and if he has instituted a system for prioritisation of projects for inclusion. [18404/05]

**Minister for Finance (Mr. Cowen):** I will be putting proposals to Government shortly on the issue of a successor to the current national development plan, NDP, which will run until the end of 2006. As the Deputy is probably aware, previous NDPs have been a requirement of the European Commission to enable Ireland to draw down its allocation of Structural and Cohesion Funds. Unlike previous occasions, there is no requirement under the draft Structural Funds regulations for the period 2007-13 to prepare a national development plan.

An important new factor in this context is the introduction of the five year rolling multi-annual capital envelopes in budget 2004. This is a major innovation and provides a medium term financial framework for public capital investment. This gives Departments and implementing agencies relative financial certainty to plan capital programmes and projects over the medium term.

As regard project prioritisation, that is already generally delegated to Departments and agencies which must exercise this responsibility within the programme budget for the areas agreed by the Government and within the framework set out in my Department's guidelines for the appraisal and management of capital expenditure.

### **Decentralisation Programme.**

29. **Ms O. Mitchell** asked the Minister for Finance if he is satisfied with the progress in making staff assignments to decentralising posts; and if he will make a statement on the matter. [18353/05]

**Minister for Finance (Mr. Cowen):** The Government's decentralisation programme, announced in budget 2004, identified Tullamore as one of the decentralised locations to which 131 posts from my Department were to be relocated. The management advisory committee of my Department decided that the finance directorate, the Civil Service Centre for Management and Organisation Development, the national development plan evaluation unit and the ERDF financial control unit would be the sections to be moved. Tullamore is in the first phase of offices decentralising and the target date for the move is July 2006. The data from the central applications facility, CAF, published in September 2004 showed that a total of 116 persons have applied for decentralisation to Tullamore as their first choice.

The first round of data from the CAF became available last February. Since then my Department has filled 26 of the 131 posts going to Tullamore. Four more are available for assignment to posts going to Tullamore. In addition, there are about 24 people in my Department that wish to decentralise with other Departments that have staff who wish to go to Tullamore. We are arranging swaps for this group and when these are completed, over 50 of the 131 posts going to Tullamore will be filled.

In the coming weeks we will also be working with other Departments to secure the transfer to my Department of staff who wish to go to Tullamore. At the same time we will be facilitating the transfer of staff from my Department who are moving to other Departments to decentralise.

In addition to the Tullamore moves, a total of 34 posts from the information and communications technology, ICT, sections of the Centre for Management and Organisation Development were identified for relocation to Kildare. While Kildare is not in the first phase of offices decentralising, a detailed plan for this relocation has been prepared. It sets out the protocols that

will be followed to assign staff to these posts where incumbent staff have chosen not to decentralise. It is anticipated that sufficient assignments can be made within the next year to facilitate decentralisation.

The phasing of moves into and out of my Department are being arranged in accordance with the provisions of the Department's decentralisation implementation plan, which was circulated to all staff and which provides for a phased assignment of staff to business units decentralising to Tullamore. I am satisfied sufficient progress has been made to date.

### **Tax Code.**

30. **Mr. Broughan** asked the Minister for Finance the procedures in place to monitor whether or not those who claim to be non-resident for tax purposes are actually resident out of the country for the required period; and if he will make a statement on the matter. [18267/05]

107. **Mr. Gormley** asked the Minister for Finance if he will give the Revenue Commissioners greater powers to monitor tax exiles, or to shift the burden of proof towards these tax exiles; and if he will make a statement on the matter. [18341/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 30 and 107 together.

I am informed by the Revenue Commissioners that the procedures adopted in relation to validating a claim to non-residence status depend on the circumstances in each case. The administration of these validation procedures is a matter for the Revenue Commissioners and I am informed by them that these procedures are kept under review. I am, however, informed that the methods used to verify claims to non-residence include a range of tests and an intelligence dimension which for obvious reasons they do not publicise.

At present, Revenue has statutory powers to make all relevant inquiries in relation to any aspect of tax returns including claims to non-residence status. I am informed that a number of audits are at present under way into claims to non-residence. These audits will be a regular feature of the risk-based programmes operated by Revenue.

I do not feel that Revenue require further powers at this time to monitor tax exiles. However, as already outlined to the House, I have asked the chairman of the Revenue Commissioners to monitor the application of the current non-resident rules, through examination of cases handled in the Revenue large cases division, and to provide me with a report once this examination is complete.

### **Public Private Partnerships.**

31. **Mr. O'Dowd** asked the Minister for Finance the number of projects which have been considered by the National Finance Agency for funding under PPP; the number which have been



[Mr. O'Dowd.] approved for PPP; and the number for which a PPP consortium has been appointed. [18365/05]

**Minister for Finance (Mr. Cowen):** The National Development Finance Agency, NDFA, was established on 1 January 2003. One of its roles is to advise Departments about the optimum means of financing the cost of capital projects in order to achieve value for money, whether procured through a PPP approach or through traditional procurement and to advise State authorities on all aspects of financing, refinancing and insurance of such projects. The NDFA does not have a project approval role nor does its advice have to be taken. Where it is optimal to do so, NDFA has the power to raise funds for projects itself. To date, this has not arisen and I am advised by the NDFA that it does not see it as likely to arise in the near future.

Under my Department's guidelines for the appraisal and management of capital expenditure proposal in the public sector and under PPP guidelines and circulars, the sponsoring agency is required to seek the advice of the NDFA on all projects above €20 million.

There are a number of steps in the process on which the NDFA is consulted. The sponsoring agency is required to seek the advice of the NDFA at the preliminary appraisal stage and in any event no later than before tender documents are finalised. Many projects on which NDFA is advising were already designated for PPP prior to the establishment of the NDFA. In such cases, the NDFA advises on the projects going forward.

A key step in the appraisal of a PPP project proposal is the preparation of the public sector benchmark. This represents the risk-adjusted estimated whole-life cost of the project — expressed in terms of net present value — were it to be provided by the public sector. It forms the basis for setting an overall budget for the process and for the subsequent evaluation of private sector bids on a value for money basis.

The final decision on any project is one for the Government, the relevant Minister or the sanctioning authority, having consulted with NDFA as appropriate. The relevant authority is not obliged to take NDFA's advice. Details on specific projects are a matter for the relevant Minister.

I am advised that 80 projects have been referred to the NDFA for advice at varying stages of the appraisal and procurement process. I am advised that the NDFA has completed its advice on 13 projects, of which six are PPPs.

#### **Pension Provisions.**

32. **Mr. Allen** asked the Minister for Finance if his Department is considering the transfer of pension assets of non-commercial semi-State schemes to the NTMA. [18329/05]

**Minister for Finance (Mr. Cowen):** There is a variety of pension schemes in the non-commercial State sector — for example, some resourced

on a pay-as-you-go basis and some funded schemes using resources provided through the relevant grants with pension outlays partly resourced from the funds concerned and from ongoing grants. Where specific funds exist, they are managed and administered on behalf of their members by trustees. Where specific issues arise in relation to particular funds, it would be a matter at political level for the relevant Ministers who are responsible, in the first instance, for the supervision of the organisations concerned. The issue of pensions policy, including the issue of pension funds in non-commercial semi State bodies generally, is one which my Department keeps under consideration.

In this context, all possible options are given due consideration, including their appropriateness and feasibility. The particular option mentioned by the Deputy would give rise to a range of complex issues, both legal and otherwise. My Department has not adopted a view at this stage on the relative merits of the options available and so a decision to pursue this or any other possible approach does not arise at this time.

#### **Standards in Public Office Commission.**

33. **Mr. G. Mitchell** asked the Minister for Finance his views on whether the Standards in Public Office Commission should be provided with the authority to appoint inquiry officers on its own initiative rather than being able to do so only on foot of a complaint; and if he will make a statement on the matter. [18349/05]

**Minister for Finance (Mr. Cowen):** The Standards in Public Office Commission, the standards commission, has been in existence since December 2001. It replaced the Public Offices Commission which was established in November 1995. During that period I am not aware that the standards commission or its predecessor made any formal proposal to my Department that the ethics legislation, that is, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001, should be changed to facilitate the appointment of inquiry officers in the situations envisaged by the Deputy.

I am satisfied that the powers of the standards commission, as they stand, are ample to meet public concerns in the field of standards in public life. It is reasonable that at least a formal complaint to the standards commission should be required to commence the inquiry process, which, in itself, can carry serious consequences for the person under investigation. I would find it difficult to accept that the appointment of inquiry officers would be justified in circumstances where a formal complaint had not been made to the standards commission from one of the numerous categories of persons, including members of the public and any public representative, entitled to do so against the persons and office holders against which complaints can be made.

If the Deputy is aware of any potential issues with implications for ethics and standards in

public life then he should, as provided for in the legislation, make a complaint to the standards commission. If a matter is of sufficient public importance or substance to warrant an inquiry, it must surely be of sufficient importance to warrant at least a formal complaint from one of the numerous categories entitled to do so, including the general public and every office holder and public representative.

#### **Tax Code.**

34. **Ms B. Moynihan-Cronin** asked the Minister for Finance if, arising from the recent report from the Revenue Commissioners on the effective tax rates of the top 400 earners for the tax year 2001, the reason a decision has been made that anyone who pays DIRT will not be counted as having a zero percent effective tax rate; and if he will make a statement on the matter. [18280/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners in relation to their recent report on effective tax rates for high earners that for the small number of taxpayers whose income consisted of very large sums of deposit interest, DIRT deducted meant that their effective rate of income tax paid was very close to the 20% standard rate — the rate at which DIRT is deducted from deposit interest. This is because DIRT deducted at the standard rate is a final tax. The taxpayer has no further liability to income tax on the deposit interest concerned. Deposit interest retention tax is income tax no less than any other income tax and it is appropriate to include it in such studies on tax paid by those on high incomes. That this was not done in the past was an oversight which has now been corrected.

#### **EU Funding.**

35. **Ms Lynch** asked the Minister for Finance his views on the proposals put forward by the EU Presidency for the Union's next seven year budget plan; if the proposal will lead to significant cuts in EU funding for Ireland; and if he will make a statement on the matter. [18275/05]

**Minister for Finance (Mr. Cowen):** The Luxembourg Presidency has recently put forward a package of proposals on the next financial perspective for the EU budget for the period 2007-13. The Presidency sees its proposals as a compromise package which would form the basis of political agreement at the European Council of heads of state or government in Brussels on 16 and 17 June next. The package incorporates cuts in all the expenditure headings originally proposed by the Commission. Among the areas targeted by the Presidency for cuts is the Common Agricultural Policy, a policy crucial to Ireland. Ireland has insisted that the final deal must provide a firm financial foundation for the CAP and that the October 2002 agreement of the European Council with regard to the financing of the CAP up to 2013 must be respected.

#### **Public Service Contracts.**

36. **Mr. Neville** asked the Minister for Finance the proportion of larger public capital contracts which are now based on fixed price lump sum contracts (details supplied). [18364/05]

**Minister for Finance (Mr. Cowen):** The primary responsibility for the procurement, management and implementation of capital projects rests with individual Departments and public bodies under their aegis. Accordingly, the statistical information required by the Deputy is not held centrally. As the Deputy is aware however, my Department has been developing a suite of fixed price lump sum contracts in line with the Government decision on construction procurement reform. These new standard forms of contract will seek to identify and transfer appropriate risks — for example, inflation in labour, materials and ground conditions, to contractors who are best able to manage and control them. I expect that these contracts should be available for use later in the year, following consultation with the industry. Under these reforms, the amount of variation, or extras, will be limited to the greatest extent possible and this should help reduce the scale of cost overruns.

#### **Banking Sector.**

37. **Mr. Noonan** asked the Minister for Finance if he has assessed the likelihood of a takeover or transfer of the two major Irish clearing banks which would see them go out of Irish control; and if he will make a statement on the matter. [18362/05]

**Minister for Finance (Mr. Cowen):** It would not be appropriate for me in my role as Minister for Finance to comment on the likelihood or otherwise of a transfer or takeover of ownership of specific financial institutions in the State. Under national legislation, the Central Bank and Financial Services Authority of Ireland must approve any acquisition which involves a stake of more than 10% in a bank on prudential grounds. In addition, the Minister of Finance must approve mergers involving more than 20% of total banking assets in the State. Various competition rules also apply. Depending on the size and value of any proposed transaction, either EU or Irish merger law would apply.

As the Deputy may be aware, the general issue of the implications of mergers and acquisitions for the development of the Irish banking sector overall over the current decade was one of a number of matters considered by a Department of Finance and Central Bank working group on strategic issues facing the Irish banking sector established by my predecessor which reported in 2000.

The group differentiated between rationalisation of costs and diversification and growth as the two main motives for mergers and acquisitions in the sector. As the financial sector in Ireland is already highly skilled, the group con-

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cluded that skills transfer is unlikely to provide a strong basis for a foreign acquisition of a major Irish bank. The view of the group as set out in its report was that while a takeover or merger based on rationalising costs may be a somewhat greater possibility, it was still considered unlikely. The possibility that an Irish bank could be purchased as part of a diversification strategy based on seeking exposure to the Irish economy or access to the EU was also considered by the group. The assessment of the group was that the profitability and diversification of the two main banks outside Ireland would influence developments in relation to this option. A detailed analysis of these issues is available in the full report which is published on my Department's website.

### Public Service Wage Bill.

38. **Mr. Ring** asked the Minister for Finance his target for the growth of the public service wage bill over the next four years; and the way in which it compares with the growth in that wage bill over the past four years. [18367/05]

**Minister for Finance (Mr. Cowen):** The net public service pay bill over the period 2001 to 2004 was:

Year	€m
2001	10,186 — an increase of 18% over the previous year,
2002	11,489 — an increase of 12.8%,
2003	12,773 — an increase of 11.2%, and
2004	13,746 — an increase of 8%.

The net public service pay bill for 2005 is estimated at €14,953 million — an increase of 8.8% over the previous year.

For the remainder of the current public service pay agreement the increases due to be paid are: 1.5% on 1 June 2005, 1.5% on 1 December 2005 and 2.5% on 1 June 2006. In addition, the final phase of the benchmarking increases, on average about 2.25%, is due to be paid with effect from 1 June 2005. The application of these increases and other factors such as increments, etc., give the following estimated, post-budget 2005, net public service pay bill totals:

Year	€m
2006	15,749 — an increase of 5.3% over the previous year, and
2007	16,093 — an increase of 2.2% over the previous year.

These 2006 and 2007 figures and projections for 2008 are being considered in the context of the preparations for the 2006 Estimates and the preparation of existing level of service projections for 2006-08. No contingency has been provided for

any post Sustaining Progress agreement in the above figures.

The current pay agreement under Sustaining Progress begins to run out for private sector workers at various dates from the end of 2005. The public service pay agreement does not expire until the end of June 2006. Talks on a new agreement to follow Sustaining Progress will commence in the autumn of 2005. Increases agreed in any new pay deal to follow Sustaining Progress will not be implemented in the Civil Service until after 30 June 2006.

### Economic Competitiveness.

39. **Mr. Coveney** asked the Minister for Finance his views on whether Ireland's attractiveness as a location for international financial services is being eroded; and if he will make a statement on the matter. [18333/05]

**Minister for Finance (Mr. Cowen):** The financial services sector is a competitive dynamic environment and it is necessary to always look to the future for innovative products with which to ensure its continued success. In this regard, one only has to look at the continued success of the International Financial Services Centre, IFSC, as an example of how this industry continues to develop, notwithstanding the fact that the special 10% corporate tax rate has been closed for new entrants since 1998 and will cease to exist from the end of this year.

The international financial services sector is an important sector within the overall financial services industry and to this end the State engages with the industry at all levels to identify opportunities in the sector and any potential benefits to Ireland. This is particularly evident in the budget and Finance Bill process where on an annual basis proposals for changes in legislation designed to facilitate new business are considered. An example of this are the changes I made in this year's Finance Act to clarify the tax treatment of common contractual funds. This investment vehicle is a new product that will be available shortly, subject to Oireachtas approval, as a result of primary legislation which is currently before the Dáil. It is envisaged that this change will attract a lot of new business opportunities to Ireland particularly the management activities of pooled pension funds.

The international financial services sector is also very important to Ireland in terms of the annual corporation tax yield, €663 million for 2004, and in terms of the substantial amount of high quality employment it provides. None of us can rest on our laurels however and must always be looking for ways to improve the products and services on offer to ensure the sectors ongoing success.

### Interest Rates.

40. **Mr. Howlin** asked the Minister for Finance if his attention has been drawn to the recent

report from One Parent Exchange Network, which found that finance companies and money lenders were charging up to 200% interest to vulnerable families; if such rates of interest are acceptable; if he intends to take steps to further control such interest rates; and if he will make a statement on the matter. [18273/05]

**Minister for Finance (Mr. Cowen):** I welcome the publication of the One Parent Exchange Network's report which highlights the difficulties lone parents can face in relation to debt and accessing financial services.

Moneylending is an expensive form of credit as the agreements are normally for small ticket loans lent over a short period of time. Therefore, the APR calculations work out much higher than the APR's charged from mainstream lenders like banks, building societies, credit unions, etc. In general the repayments may be collected at consumers' homes and although the collection charge where specifically provided for, is not included in the APR, it does increase the total cost of credit. Credit risk is a further consideration for the lender. Also the highest APR figures usually refer to the smaller loans taken out over the shorter periods.

Moneylenders are obliged to inform the financial regulator of the maximum APR they intend to charge to consumers. The maximum APR it is printed on the moneylenders licence and they cannot charge above this rate. Inspections are carried by the financial regulator of moneylenders in which agreements would be examined to determine what APR was charged. A licence application can be refused on the grounds that the financial regulator is of the opinion that the cost of credit charged is excessive. However, there is no provision under the Consumer Credit Act 1995, as amended, as to the maximum APR that can be charged by moneylenders. The operating practice of the previous regulator the Director of Consumer Affairs was that it did not accept applications with APR's over 200% using the APR formula specified by the relevant EU directive and the financial regulator has adopted the same policy.

The previous regulator, the Director of Consumer Affairs, commissioned a study into the moneylending business in 1998. The results of this study showed that moneylenders did not appear to be making excessive profits. My Department has been informed by the financial regulator that an examination of the financial returns of moneylenders by the regulator would suggest that circumstances have not changed significantly since the date of the study.

The Money Advice and Budgeting Service, MABS, under the aegis of the Minister for Social and Family Affairs, was set up to help people in managing their money with a view to regaining control of their finances including how to avoid falling into difficulties in relation to moneylending. I understand that it provides an extensive range of money advice, personal budget and com-

munity education services where necessary and liaises with financial institutions on behalf of its clients. It deals with 16,000 cases on an annual basis. The service has been and remains a practical response to those in debt or at risk of getting into debt.

It should be borne in mind that new regulatory requirements could have an effect opposite to that intended, that is, possibly driving legal lenders out of business to be replaced by illegal lenders charging much higher rates and employing unacceptable business practices.

#### **Banking Sector Regulation.**

41. **Mr. O'Shea** asked the Minister for Finance if he has satisfied himself that there are sufficient procedures in place to provide for the adequate supervision of banks, in view of the continuing disclosures of incidences of overcharging by banks and financial institutions; and if he will make a statement on the matter. [18283/05]

**Minister for Finance (Mr. Cowen):** The Central Bank and Financial Services Authority of Ireland Act 2003 established the Irish Financial Services Regulatory Authority. The post of consumer director is specifically provided for within the structure of the financial regulator established under that Act. The director exercises important consumer protection powers under legislation, including those under section 149 of the Consumer Credit Act 1995, as amended, which provides for the regulation of fees and charges imposed by credit institutions.

The Central Bank and Financial Services Authority of Ireland Act 2004, complemented the 2003 Act, further enhanced the financial regulator's powers and strengthened the regulatory environment. This Act conferred new powers on the financial regulator to impose stiff administrative penalties, to be applied where there is a breach of: any financial services legislation, codes of conduct issued by the regulator or any condition, requirement or direction imposed under legislation or codes.

The Act also provided for an enhanced structure for dealing with consumers who have complaints about financial institutions and also provides consumer and industry consultative panels for the financial regulator. The consumer panel will have an important role in ensuring that the regulator is fully reflecting the interests of consumers in its protective issue of codes of conduct and educational — information pamphlets, etc. — roles. The Act also established a single statutory financial services Ombudsman for all financial services firms. The Ombudsman's office began operations on 1 April 2005. The Ombudsman has significant powers of investigation, mediation and adjudication and may order redress in appropriate circumstances.

The increased focus on consumer protection issues since the establishment of the financial regulator has led to a significant increase in the number of charging issues coming to light as cre-

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dit institutions review their systems and compliance at the regulator's behest. Many of these issues arise because of human error and in some instances the errors continued over an extended period. The financial regulator expects that charging issues will continue to emerge for some time until credit institutions have completed their reviews and any necessary system and procedural changes and controls have been implemented.

In view of the legislative measures outlined above, I am satisfied that a robust regulatory structure for the protection of consumers is now in place and that it continues to function satisfactorily. This structure is proving effective in detecting overcharging issues in the first instance, and thereafter in ensuring that the customers affected are reimbursed and that the financial institutions concerned put in place the systems required to avoid a recurrence.

### Tax Code.

42. **Dr. Twomey** asked the Minister for Finance if he will consider integrating the payment of family income supplement with the tax code in order that the very low take up of this entitlement may be addressed. [18411/05]

**Minister for Finance (Mr. Cowen):** The issue of paying family income supplement through the tax system was considered in late 2002 by a working group established under the Programme for Prosperity and Fairness to examine the role which refundable tax credits can play in the tax and welfare system. The group was made up of representatives of the social partners and was chaired by my Department.

A perception existed at the time that the take up of the FIS scheme was low, that it was not reaching intended beneficiaries to the extent that it might and that payment through the tax and payroll systems might help in that regard. The take up of the scheme had peaked at about 14,700 at the end of 1999 but had subsequently declined to 11,700 at end-September 2002. However, the examination undertaken suggested that some of the perceived disadvantages for eligible persons under the existing system, for example, the need to make an application to a State agency, could apply equally to FIS paid through the tax and payroll systems. The examination also suggested that it would probably not prove feasible to introduce a system whereby FIS would be paid automatically to eligible persons through the tax and payroll systems and that there would be considerable complexities involved in such a scheme for employers and for the Revenue Commissioners.

I understand that since 2002, the numbers availing of the scheme have risen significantly. Average annual numbers of claimants for the years 2002 to 2004 are 11,716, 12,303 and 13,508, respectively. In the week ending 27 May 2005, there were 15,659 claimants. This represents an increase of 30% on the December 2002 figure of 12,043. The improved take up may be due to a

number of factors, including generous increases in FIS income thresholds over successive budgets, an increase in the minimum weekly FIS payment to €20, expansion of the economy and greater flexibility in working arrangements.

Having regard to the improved level of take up, I do not see that it is necessary at this time to consider implementing a change in the provision of FIS along the lines mentioned by the Deputy.

43. **Mr. Deenihan** asked the Minister for Finance the increase in the number of persons who will become subject to income tax as a consequence of the increase in the minimum wage. [18414/05]

68. **Mr. Wall** asked the Minister for Finance if the Government is committed to keeping those on the national minimum wage out of the tax net; the number of persons on the national minimum wage who have been brought back into the tax net as a result of the increase to €7.65 per hour which came into operation from 1 May 2005; if he intends to take these low earners from the tax net; and if he will make a statement on the matter. [18285/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 43 and 68 together.

The Government is committed to having the minimum wage exempt from tax. However, we are also committed to sustaining economic growth and keeping the public finances in a healthy condition. The question of restoring the position which applied after budget 2005 where those earning the minimum wage were removed from the tax net will be a matter for consideration in the context of the annual budgets over the next number of years consistent with the Government's overall economic and budgetary strategy.

I might remind the Deputies that it was this Government that introduced the minimum wage to protect low paid workers and it was this Government who over the last eight budgets removed a record number of about 460,000 workers from the tax net entirely. In addition, I would point out that we now have one of the highest minimum wages in the European Union, second only to Luxembourg. Since its introduction in April 2000, the minimum wage has increased by almost 37% taking account of the latest increase, well ahead of inflation.

The present entry point to income tax is €14,250 per annum for a single person aged under 65. The Revenue Commissioners provisionally estimate that there will be roughly 37,000 income earners in an income range which would bring them into the tax net if their annual earnings reflected fully the increase in the national minimum wage. However, this group will of necessity include part-time workers earning more than the minimum hourly wage, and certain pensioners whose earnings are in the equivalent range. The 37,000 should, therefore, be seen as the upper band for any estimate of the number who may

ultimately come into the tax net on a full year basis as a result of the minimum wage increase.

### **Pension Provisions.**

44. **Mr. Hogan** asked the Minister for Finance his views on the problem of deficits in pension funds in the public and private sectors. [18325/05]

**Minister for Finance (Mr. Cowen):** Deficits in pension funds arise for a number of reasons and can be of a temporary nature or may be more significant. It is a matter, in the first instance, for the relevant company, fund, trustees, members and board to deal with any such situation, subject to the necessary legislation and regulation by the Pensions Board as appropriate. In the non-commercial State sector, the funding situation in relation to pension schemes should be raised directly with the relevant Ministers who are responsible, in the first instance, for the organisations concerned. The funding situation in respect of commercial State bodies is a matter for the board or each organisation concerned and I would expect that any relevant issue would be brought to the attention of the Ministers directly concerned as necessary.

45. **Mr. McEntee** asked the Minister for Finance if he has received any representations regarding the pension deficits in the pension fund of many State companies which operate defined benefit schemes; his estimate of the scale of these deficits; if his approval has been sought for Exchequer contributions to these schemes or to put these schemes under the management of the national pension reserve fund; and if he will make a statement on the matter. [18412/05]

**Minister for Finance (Mr. Cowen):** I refer the Deputy to the response which I gave to a similar parliamentary question tabled by him for answer on 27 April. The question of the funding situation in pension schemes in the commercial State sector is primarily a matter for the board of each organisation directly concerned and I would expect that any relevant issues will be brought to the attention of the Ministers directly concerned as and when appropriate.

The question of the funding situation in pension schemes in the non-commercial State sector should be raised directly by the Deputy with the relevant Ministers who are responsible in the first instance for the supervision of the organisations concerned. There is a wide variety of such schemes, for example, some funded on a pay as one goes basis and some funded on a partly funded basis using resources provided through the relevant grants with pension outlays partly resourced from the funds concerned and from ongoing grants. It is a matter for the relevant board in charge of such organisations to ensure that funds it supervises operate in accordance with the approved arrangements.

From a general policy point of view, my Department has received some contacts. The general position is that the relevant board in charge of such organisations, in conjunction with their appropriate sponsoring Department, will ensure that the funds concerned are in a position to discharge their obligations. As regards the national pensions reserve fund, the relevant statutory provisions governing this fund provide that the purpose of this fund is to ensure that resources are available for the longer term pension needs of social welfare and public service pensions. The question of any short-term needs in particular pension funds is a separate matter for the organisation and the Minister concerned.

### **Programme for Government.**

46. **Mr. McCormack** asked the Minister for Finance if he has not satisfied himself with the progress of any area in implementing the programme for Government. [18358/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware, progress on the implementation of the Government programme is kept constantly under review. The second annual progress report of this Government was published on 1 August 2004. Work is currently under way on the third annual progress report. This will show the good record of further progress towards meeting the commitments detailed in the programme.

### **Interest Rates.**

47. **Ms McManus** asked the Minister for Finance his views on the annual credit card survey published by the Irish Financial Regulatory Authority; if his attention has been drawn to concerns expressed that Irish credit card rates are considerably in excess of those charged in other countries; and if he will make a statement on the matter. [18277/05]

**Minister for Finance (Mr. Cowen):** I welcome the publication by IFSRA, the financial regulator, of the credit card cost survey. The financial regulator publishes cost surveys twice a year on credit card charges. The cost surveys are designed to help consumers compare product costs between the main providers. The surveys set out the interest, fees and introductory offers available on credit cards. The information provided is intended to encourage and assist consumers to shop around. The publication of these surveys, together with the measures contained in section 128 of the Finance Act 2005 to eliminate the double stamp duty charge on the switching of credit card accounts will facilitate consumers who wish to change their credit cards to one that is more suitable to their needs.

I am aware that concerns have been expressed about the levels of interest charged on credit card debt. However, any comparisons with the rates chargeable in other countries would also need to take into account the average period allowed for

[Mr. Cowen.]

settlement of accounts and the extent to which consumers avail of this option to clear their accounts before interest becomes chargeable. In this regard, I refer the Deputy to the article entitled, Credit Card Debt in Ireland: Recent Trends, in the first quarterly bulletin for 2005 published by the Central Bank and Financial Services Authority of Ireland the conclusions of which include the following:

The level of interest rates charged on uncleared credit card balances has frequently been the subject of critical comment. When account is taken of payments made by credit card providers which earn no interest, the average return on credit card lending is close to 12 per cent. This is not out of line with interest rates on unsecured credit in similar risk categories and, indeed, is below the average interest rate on personal overdrafts.

#### Tax Code.

48. **Mr. Gilmore** asked the Minister for Finance if his attention has been drawn to the “Prime Time Investigates” programme, transmitted on 23 May 2005 which highlighted a whole range of tax shelters and schemes available only to the well-off; if his attention has further been drawn to the concerns among ordinary PAYE taxpayers of the extent to which others are able to minimise their tax liability through the use of these schemes; and if he will make a statement on the matter. [18270/05]

**Minister for Finance (Mr. Cowen):** As the Deputy may be aware, I appeared in the programme to which he refers. I would have to point out that tax reliefs are not available solely to the well off. In fact, many of the costliest reliefs in terms of tax foregone are widely availed of by all or several classes of taxpayers, for example, the exemption of child benefit from income tax, employer and employee pensions costs relief, mortgage interest relief, medical insurance and health expenses relief, and normal business capital allowances in lieu of depreciation.

I also refer the Deputy to the recent Revenue Commissioners’ report on the effective tax rates of the top 400 earners, which I had placed in the Oireachtas Library. It covers the short tax year 2001 and indicates that between 1999-2000 and 2001, the number of high earning taxpayers with an effective tax rate of less than 15% decreased by 3.75 percentage points while those with an effective tax rate between 15% and 29% increased by 3.25 percentage points.

This upward movement in effective tax rates indicates that measures such as the capping of capital allowances available to passive investors were having an increasing impact. The increase in effective rates took place despite the 4 percentage points reduction in the standard and top income tax rates, from 24% to 20% and from 46% to 42%, respectively, over the period.

As the Deputy knows, I announced in budget 2005, that my Department, in conjunction with

the Revenue Commissioners, would undertake this year a detailed review of certain tax incentive schemes and tax exemptions. This review is underway and the information contained in the latest Revenue report will provide a valuable input to that important policy review. It will also evaluate the impact and operation of certain reliefs including their economic and social benefits for the different locations and sectors involved and to the wider community. In addition, the review will examine the degree to which these schemes allow high income individuals to reduce their tax liabilities.

Both the consultancy studies and the internal Department of Finance and Revenue Commissioners studies will consider additional restrictions that might reasonably apply if needed, to limit the extent to which high income individuals can use these reliefs to reduce their tax liability.

#### EU Directives.

49. **Mr. Stagg** asked the Minister for Finance the number of EU directives for which his Department has responsibility that are yet to be implemented; the number in respect of which the deadline has passed; and if he will make a statement on the matter. [18297/05]

**Minister for Finance (Mr. Cowen):** There are currently eight EU directives for which my Department has responsibility which have yet to be implemented. The deadline has passed in the case of two of these directives. One of these two was transposed through the Finance Act 2005 and the Commission has now been notified of this fact. The second one will be transposed shortly by statutory instrument.

The details of each of the directives are set out as follows:

Council Directive 2003/98/EC — Re-use of Public Sector Information. This directive lays down ground rules for the re-use of public sector information for commercial purposes. A stamped copy of the statutory instrument has now been received from the Office of the Parliamentary Counsel. The deadline for implementation is 1 July 2005; Council Directive 2004/106/EC of 16 November 2004 amending Directive 77/799/EEC concerning mutual assistance by the competent authorities of the member states in the field of direct taxation, certain excise duties and taxation of insurance premiums and Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products. This directive requires transposition by 1 July 2005; Council Directive 2005/19/EC of 17 February 2005 amending Directive 90/434/EEC 1990 on the common system of taxation applicable to mergers, divisions, transfers of assets and exchange of shares concerning companies of different member states. This directive has only recently been agreed and published in the *Official Journal* on 4 March 2005 with a deadline for transposition of 1 January 2006; Council Directive 2004/18/EC — Revised

Public Sector Procurement Directive. This directive co-ordinates the procurement procedures for the award of public works contracts, public supply contracts and public service contracts. The deadline for implementation is 30 January 2006; Council Directive 2004/17/EC — Revised Utilities Sector Procurement Directive. This directive co-ordinates the procurement procedures of entities operating in the water, energy, transport and postal services sector. The deadline for implementation is 30 January 2006; Council Directive 2004/39/EC — Markets in Financial Instruments Directive. This directive allows investment firms to provide their services across the EU on the basis of their home country authorisation, that is, it will give them an effective single passport. The deadline for implementation is 30 April 2006; Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity. The deadline for transposition was 31 December 2003. As was already outlined in response to a parliamentary question on 5 May 2005, Ireland was already in compliance with all significant requirements of the directive prior to 1 January 2004. The outstanding elements of the directive have been provided for in Finance Act 2005, subject to a commencement order in one instance. A letter notifying the Commission of this has issued; and Council Directive 2004/56/EC of 21 April 2004 amending Directive 77/799/EEC concerns mutual assistance in the field of direct taxation, certain excise duties and taxation of insurance premiums. The deadline for transposition was 1 January 2005. A statutory instrument is being prepared and the directive will be transposed shortly.

Every effort is being made in my Department, in conjunction with the Office of the Attorney General and Parliamentary Counsel to the Government, to ensure that any outstanding directives will be transposed as a matter of urgency and that remaining directives will be transposed on time.

#### **Tax Code.**

50. **Mr. Sargent** asked the Minister for Finance if there will be a new tax relief introduced for mental hospitals; if there are any other new tax reliefs under consideration; and if he will make a statement on the matter. [18345/05]

110. **Ms Shortall** asked the Minister for Finance his proposals for tax breaks for private investors willing to build private mental hospitals; and if he will make a statement on the matter. [18274/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 50 and 110 together.

The issue of tax reliefs is a matter for the budget when decisions will be made in the light of the detailed review of various tax reliefs currently being undertaken as set out in my 2005 Budget Statement.

#### **Criminal Prosecutions.**

51. **Mr. Rabbitte** asked the Minister for Finance the number of breaches detected of the Waiver of Certain Tax, Interest and Penalties Act 1993 in respect of each year since 1994; the number of prosecutions initiated and convictions secured arising from such detections; if he has satisfied himself that the law is being applied in the manner intended; and if he will make a statement on the matter. [18289/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that there are two ways in which a taxpayer may have been in breach of the amnesty, first, in making a false declaration or, second, in not making a declaration. I am informed that the Revenue Commissioners do not have figures for the number of detected breaches of the amnesty. Given the confidentiality conditions built into the 1993 amnesty legislation, such breaches are difficult to identify and prove.

Individuals and companies have been successfully prosecuted in recent years as a result of Revenue investigations and although these investigations have in some instances involved consideration of possible amnesty breaches, it has not generally been possible to obtain the evidence necessary to meet the required standards of beyond reasonable doubt from an amnesty perspective. However, following a Revenue investigation one individual has been successfully prosecuted for failure to comply with the obligatory provisions of the Waiver of Certain Tax, Interest and Penalties Act 1993 and is currently awaiting sentence. There was also a conviction in the Circuit Criminal Court earlier this year for tax offences related to the amnesty and a six month jail sentence was handed down. This followed an investigation by the Criminal Assets Bureau.

Revenue's criminal investigation programmes have been refocused recently with the establishment of its investigations and prosecutions division, one of whose functions is to increase the number of prosecutions for serious tax evasion. Many of the cases currently under investigation relate to tax offences committed in recent years and do not therefore involve consideration of amnesty issues. However, a number of cases have been identified which could involve offences in relation to the amnesty and they will be investigated with a view to taking a criminal prosecution.

In view of this, I am satisfied that the Revenue Commissioners are making every effort to ensure the law is applied in the manner intended by the legislation as passed by the Houses of the Oireachtas.

#### **Tax Code.**

52. **Ms Enright** asked the Minister for Finance his views on whether there is reason to change the provision in respect of definition of absence



[Ms Enright.]

for the purpose of qualifying as a non resident for tax purposes. [18360/05]

**Minister for Finance (Mr. Cowen):** The residence rules were last updated by the Fianna Fáil-Labour Government in the 1994 Finance Act following a comprehensive review of the matter by the Revenue Commissioners and my Department. A person is regarded as resident in Ireland for tax purposes in a particular tax year if he or she spends: 183 days in the State in that year, or 280 days in aggregate in that tax year and the preceding tax year. This aggregation rule does not apply if they are in the country for less than 30 days in the tax year being looked at.

The key 183 day rule that contributes to determining residence in Ireland is also a key rule in a number of other countries. A person is regarded as having spent the day in the State if he or she is there at midnight.

A number of structures were put into place in the Office of the Revenue Commissioners in late 2003, including a specialist high wealth individuals unit within the large cases division and specialist areas in each region which are capable of focusing on the tax compliance behaviour, including residence patterns, of wealthy people. I am informed by the Revenue Commissioners that the procedures adopted in relation to validating a claim to non-residence status depend on the circumstances in each case. In addition, Revenue has statutory powers to make relevant inquiries in relation to any aspect of tax returns including claims to non-residence status.

I have asked the chairman of the Revenue Commissioners to monitor the application of the current non-resident rules, through examination of cases handled in the Revenue large cases division and to provide me with a report once this examination is complete.

#### **Decentralisation Programme.**

53. **Ms Burton** asked the Minister for Finance the information available from the central applications facility in respect of applications from civil servants and other public servants located in Dublin who wish to transfer to new locations outside of Dublin under the Government's decentralisation programme; the way in which this compares with the Government target of 10,300; if the plan to restrict all promotional opportunities in the Civil Service to staff willing to move to decentralised offices has been dropped; and if he will make a statement on the matter. [18265/05]

**Minister for Finance (Mr. Cowen):** The latest figures from the central applications facility show there is very substantial interest in the programme. During the period for priority applications up to 7 September 2004, 8,958 applications made up of 8,152 civil servants and 806 public servants were received by the Public Appointments Service. Of these, 4,813 were from people — 4,236 civil servants and 577 public ser-

vants — currently located in Dublin. New applications for decentralisation continue to be received. Since the period for priority applications finished in September 2004, over 750 new applications have been received.

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

#### **Tax Code.**

54. **Mr. Rabbitte** asked the Minister for Finance the response received to date by the Revenue Commissioners to the letters sent by ten top banks to around 120,000 customers warning them to regularise their tax affairs by the end of March 2005; the number of responses received; the amount collected to date; the number of such cases that have been finalised; and if he will make a statement on the matter. [18290/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that precise figures are not available as to the number of letters which issued from the financial institutions. It is understood to be in excess of 100,000. It is not known how many accounts or individuals this represents because some individuals had accounts in different banks or in different branches of the same bank. In other instances, there was more than one name on the account.

The Revenue Commissioners have advised that, following the issue of the letters by the financial institutions, written responses were received from approximately 25,000 persons. Of these, approximately 15,000 persons advised that a statement of disclosure would be made and to date payment has been received from in excess of 11,500 cases. The difference is accounted for by duplicate notices received by Revenue at the time of the initial deadline of the 29 March 2004: cases where the taxpayer subsequently indicated that no liability to tax arose and a small number of cases where assets are being disposed of to meet the liability owing or where there is an inability to pay and cases where no further communication has been received from the taxpayer. Where appropriate, inquiries are continuing in such cases.

In regard to the balance of the 10,000 written submissions received, these individuals were notified that on the basis of the submission received, a statement of disclosure was not required. I am also advised that a further 5,000 persons, approximately, telephoned the Revenue Commissioners and, on the basis on the information provided, most were advised that a written response was not required.

To date the total amount collected by the Revenue Commissioners from their offshore investigation is in excess of €730 million. Details of amounts collected in respect of this, and other

special investigations, are regularly updated on Revenue's website *www.revenue.ie*.

### Flood Relief.

55. **Mr. Connaughton** asked the Minister for Finance if he has satisfied himself with the cost control in relation to the Kilkenny drainage project. [18355/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Kilkenny flood relief scheme has, at every stage, been subject to a process of rigorous cost control and cost benefit analysis and has fully complied with the criteria laid down by the Department of Finance for the appraisal and management of capital expenditure in the public sector.

### Ministerial Meeting.

56. **Ms O'Sullivan** asked the Minister for Finance the outcome of his meeting on 12 May 2005 with the EU Commissioner for Agriculture Ms Mariann Fischer Boel to discuss the issue of the tax exemption for stallion fees; and if he will make a statement on the matter. [18282/05]

96. **Dr. Upton** asked the Minister for Finance if he will make a statement on the outcome of his meeting on 12 May 2005 with the EU Agriculture Commissioner, Ms. Mariann Fischer Boel. [17390/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 56 and 96 together.

I, along with my colleague the Minister for Agriculture and Food, met the EU Commissioner for Agriculture and Rural Development in Brussels on 12 May last to discuss the Commission's ongoing assessment of the stallion stud fee exemption in the context of EU state aid rules.

At the meeting, I took the opportunity to outline the background to the relief and the development of the industry in Ireland over the past 30 years setting out the importance of the horse breeding industry here in terms of its contribution to employment and economic activity particularly in rural areas. I also emphasised the importance of a strong Irish industry which can compete and be competitive in a European and global context.

I have reported on the discussions to my colleagues in Government and a reply to the Commission's letter of 6 January last has been issued. As agreed at the meeting of 12 May last with the Commissioner, discussions will continue at official level in relation to the Commission's assessment of the exemption.

### Revenue Investigations.

57. **Ms B. Moynihan-Cronin** asked the Minister for Finance the action the Revenue Commissioners intend to take in regard to financial institutions that have refused to co-operate in their investigation into undisclosed funds invested in

life assurance products; and if he will make a statement on the matter. [18279/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that they are conducting their investigation into tax liabilities which relate to undisclosed funds invested in life assurance investment products in two stages. In the first stage of these inquiries taxpayers, who invested undisclosed and undeclared funds in life assurance products were given until the 23 May 2005 to give notice to Revenue of their intention to make a voluntary disclosure. This part of the disclosure stage has now been successfully completed and about 10,000 persons have notified Revenue that they may have a tax issue. In addition, approximately 2,000 persons have written to Revenue to say that they have no outstanding tax issues. Taxpayers who have tax issues and who decided to elect for this option have until 22 July 2005 to pay their outstanding liabilities.

Revenue commenced preliminary work on its investigation into funds held in life assurance products in 2004. In the course of this preliminary work, it met the representative body for the life assurance industry as well as with representatives of a number of life assurance companies. In the course of these meetings, Revenue asked that life assurance companies write to their customers and advise them of the up and coming investigation. Nearly all life assurance companies acceded to this Revenue request and wrote to their customers. The co-operation of these life assurance companies has contributed greatly to the successes that have been achieved so far in these inquiries. The co-operation sought was voluntary rather than mandatory, so the question of taking action does not arise.

Revenue formally commenced the second phase of its investigation into the use of life assurance products for tax evasion on 23 May 2005. The object of this phase, at this stage, is to identify persons who have used life assurance policies to conceal undisclosed and untaxed funds and who have opted not to avail of the voluntary disclosure scheme. New powers given in the Finance Act 2005 authorise Revenue officers to examine the records that relate to a class or classes of life assurance policies and policyholders. Revenue has already completed the preliminary work in regard to the use of these new powers.

### Tax Code.

58. **Mr. Hayes** asked the Minister for Finance if he will make provision that the consultancy studies in relation to the tax review will be published ahead of budget 2006 in order that there can be an opportunity to consider their implications for tax policy before Dáil Éireann must make decisions. [18419/05]

**Minister for Finance (Mr. Cowen):** As the Deputy is aware in my 2005 Budget Statement, I announced that my Department and the Office of the Revenue Commissioners are to undertake a

[Mr. Cowen.] detailed review of certain tax incentive schemes and tax exemptions in 2005. This review will evaluate their impact and operation including their economic and social benefits for the different locations and sectors involved and to the wider community. In addition, the review will examine the degree to which these schemes allow high income individuals to reduce their tax liabilities.

I subsequently announced in a press release on 6 January 2005 that my Department had advertised for external consultants to review certain tax incentive schemes. On 9 April 2005, I announced the award of two external consultancy contracts for the reviews. Following a detailed examination of the qualifying tenders by a special inter-departmental group, the successful candidates were Goodbody Economic Consultants in respect of the area based urban renewal, town renewal, rural renewal and the living-over-the-shop schemes and Indecon Economic Consultants for the sectoral property tax incentive schemes, namely, multi-storey car parks, park and ride facilities, student accommodation, third level buildings, hotels, holiday cottages, nursing homes, private hospitals, sports injuries clinics, child care facilities and refurbishment of rented residential accommodation.

These reviews are scheduled to be completed in time to inform the development of the 2006 budget and Finance Bills. I am not yet in a position to indicate any likely publication date for these studies.

59. **Mr. Gilmore** asked the Minister for Finance the number of claims made by taxpayers for refunds of overpaid tax in each of the past five years and in 2005 to date; the amount being claimed in applications currently before the Revenue Commissioners; and if he will make a statement on the matter. [18276/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that statistics are maintained on the basis of the number of balancing statements issued as against the number of requests received for balancing statements. A separate balancing statement is issued in respect of each year involved in the review request.

The number of reviews of their tax liability sought by PAYE taxpayers in the past five years which resulted in refunds are as follows:

Year	No. of Refunds
2000	292,952
2001	306,111
2002	304,272
2003	314,298
2004	350,016
2005	195,756 — to 9 May.

It is not possible to indicate the amounts involved in reviews requests which are currently on hands as any overpayments or underpayments are only known when the review is completed. In the period 1 January to 9 May 2005, a total of €145,282,804 has been repaid on foot of the reviews processed.

### Capital Expenditure.

60. **Mr. Crawford** asked the Minister for Finance the implications of the revised stability pact for Ireland; and if he proposes to change the capital spending plans up to 2009 outlined in budget 2005. [18406/05]

**Minister for Finance (Mr. Cowen):** As the Deputy is aware, agreement on a package of reforms to the Stability and Growth Pact, SGP, was reached at the spring European Council of 22-23 March 2005. The new measures underline the continued European commitment to fiscal discipline, while acknowledging the need for economic realism, for example, by allowing member states more time to correct excessive deficits in circumstances where economic growth is at a depressed level. The requirement to avoid deficits in excess of 3% of GDP is retained, and member states have stepped up their commitment to reduce debt levels and to strengthen long-term budgetary sustainability.

One of the key objectives of the discussions from Ireland's point of view was the need to recognise the important role played by public investment to support economic development. The Council report indicates that the medium-term objective of budgetary policy should reflect economic circumstances, so that countries with low debt and high potential growth — such as Ireland — can have more budgetary flexibility, in particular taking into account the needs for public investment. The extent to which this is done will depend on the economic circumstances which underpin budget 2006 and the subsequent budgets which will be presented to the House for approval in the normal course.

### Pension Provisions.

61. **Ms Shortall** asked the Minister for Finance the amount in the funds of the National Pensions Reserve Fund at the latest date for which figures are available; the amount invested outside of Ireland; the amount held in cash balances; and if he will make a statement on the matter. [18296/05]

**Minister for Finance (Mr. Cowen):** The Deputy may wish to note that this parliamentary question was asked on 27 April 2005 and that I am providing the same data in the reply as I did then because the National Pensions Reserve Fund Commission has not published any new data in the interim.

The 2003 annual report of the National Pensions Reserve Fund Commission shows that at 31 December 2003 the market value of the fund was

€9,561 million. This included cash deposits of €1,283 million, other net current assets of €36 million, unrealised gains on foreign derivative contracts of €70 million and equities and bonds worth €8,172 million. Of this €8,172 million, €8,099 million was invested in non-Irish equities and bonds. I understand that the commission's annual report for 2004 is expected to be published shortly.

The commission also publishes quarterly performance statements setting out a summary of the fund's performance in the year to date as a means of improving the timeliness of information on the fund. The statements do not distinguish between Irish and non-Irish investments. The most recent of these statements for the quarter to end-March 2005 was published on 22 April 2005. It shows that the estimated market value of the fund was €12,309 million at 31 March 2005. Of this amount, €1,304 million was held in cash and other net current assets, including derivatives, €19 million in property, a total of €9,479 million in equities and €1,507 million in bonds.

The commission is required by the National Pensions Reserve Fund Act 2000 to include in its annual report information on the investment strategy followed by the fund, a report on the investment return achieved and a valuation of the net assets of the fund at year end. These requirements are designed to ensure that detailed information concerning the fund is made available to the Minister and the public.

As the Deputy will be aware, the National Pensions Reserve Fund Commission which manages the fund is independent of Government. It controls and manages the fund with discretionary authority to determine and implement the fund's investment strategy. This investment strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long-term having regard to: the purpose of the fund as set out in section 18(1) of the National Pensions Reserve Fund Act 2000 and the payment requirements of the fund as provided for under section 20 of the Act provided the level of risk to the moneys held or invested is acceptable to the commission.

#### House Prices.

62. **Mr. Perry** asked the Minister for Finance if he has satisfied himself that the price of homes bought by first time buyers in Dublin will benefit from the recent stamp duty concession; and if he will make a statement on the matter. [18417/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware, the 2005 budget introduced a stamp duty relieving measure for first time house purchasers who are owner-occupiers of second hand houses by increasing the stamp duty exemption threshold for such purchasers from €190,500 to €317,500 and by having reduced rates of stamp duty for house values up to €635,000.

This relieving measure will further assist affordability for first time buyers and will help some first time buyers to afford a starter home

who might not otherwise be able to do so. It will also help to open the second hand market more to first time buyers who had been increasingly deterred by the impact of stamp duty. The current high levels of housing output, coupled with the fact that the reductions have been confined to the first time buyer segment of the market, should lessen the risk of the measure causing an increase in house prices. The reductions in stamp duty for second hand houses should remove distortion between the new and second hand markets for first time buyers by reducing the degree of concentration of first time buyer demand on the new house market.

#### Department Relocation.

63. **Mr. J. O'Keefe** asked the Minister for Finance the details of the proposed move of the Department of Health and Children from Hawkins House to a new location; and if this project will go ahead. [18397/05]

**Minister of State at the Department of Finance (Mr. Parlon):** A number of options, including possible relocation, to meet the accommodation requirements of the Department of Health and Children are currently being assessed. A final decision has yet to be made as to which option should be pursued.

#### Flood Relief.

64. **Mr. Quinn** asked the Minister for Finance the action which is being taken to rectify the fault identified in the Lacken weir on the River Nore which was built as part of the Kilkenny floodworks scheme; the cost to the OPW of the corrective action; when it is likely to be completed; and if he will make a statement on the matter. [18287/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The fault identified with the functioning of the fish pass at Lacken Weir has been the subject of a detailed review carried out by the Office of Public Works, the Department of Communications, Marine and Natural Resources and the Southern Regional Fisheries Board. The review has established that modification of the existing fish pass will resolve the issue. The modifications required include the extension of the existing pass by about 3 m. and the construction of a pool below the extended pass and a channel leading to the pass.

A draft design for these works was submitted to OPW by the Department of Communications, Marine and Natural Resources early this week. An estimate of the cost of implementing the design is currently being prepared but the figures are not available as yet. However, the nature of the modifications required would indicate that the costs involved will be relatively minor. It is anticipated that the works will be undertaken under safe conditions during the summer months of 2005.

### Expenditure Review Initiative.

65. **Mr. Kehoe** asked the Minister for Finance if he has initiated a fresh programme under the expenditure review initiative to cover the years 2005 to 2007; the percentage of total expenditure which will be covered by the aggregate of planned reviews; and the other changes he has made. [18424/05]

**Minister for Finance (Mr. Cowen):** It is my intention to have a new round of expenditure reviews for the period 2005-07. To that end, my Department wrote to all Departments and offices in early March 2005 requesting them to propose new topics for the 2005-07 round of reviews taking into account the recommendations set out in the recent report of the expenditure review central steering committee, ERCSC, to the Minister for Finance.

The responses received from Departments and offices are now being assessed in light of the ERCSC deliberations on this matter. I will be seeking to ensure that each Department-office will conduct reviews which encompass a significant proportion of their spending. I will then bring proposals for the 2005-07 round of reviews to Government for approval. The percentage of total expenditure covered by the reviews will become apparent when that process is complete.

### Special Savings Investment Scheme.

66. **Mr. Hayes** asked the Minister for Finance if he plans to undertake a study of the impact of the maturity of SSIA's on the economy; and if he will make a statement on the matter. [18418/05]

**Minister for Finance (Mr. Cowen):** The matter is subject to ongoing consideration within my Department. The impact of maturing SSIA funds on consumer demand in 2006 and 2007 is difficult to estimate and will depend on how the accumulated savings are spent or saved, how that portion of an individual's income that was previously saved in SSIA's is used, and the extent to which savings are rolled over into other investment products. The economic effect will also depend on the state of the economy in 2007, when the bulk of SSIA funds — around 55% — mature. To date a number of reports have been prepared regarding the impact of the SSIA's by, among others, Goodbody Stockbrokers, Lansdowne Market Research, the Irish Mortgage Corporation and the Bank of Ireland. However, there is no consensus in these reports as to how these funds may be used. It is inevitable that there will be a lot of uncertainty about the likely outcomes. As a scheme such as the SSIA has not existed previously, it is not possible to draw on experience as a basis for anticipating the impact the maturing accounts will have on the economy.

### Criminal Prosecutions.

67. **Mr. Quinn** asked the Minister for Finance the number of court prosecutions initiated as a

result of tax evasion in respect of each year since 1997; the number of cases in which convictions were secured; the number of cases in which prison sentences were imposed; the sentence in each case; if he has satisfied himself with the level of court cases taken having regard to the high level of evasion; if he will report on the work of the investigations and prosecutions division of the Revenue Commissioners; and if he will make a statement on the matter. [18288/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the following information provides the up to date position on court prosecutions initiated for tax evasion. In 1997, there was one prosecution initiated for tax evasion. A fine of €635 was imposed with no custodial sentence. In 1998, there were six cases initiated and six convictions secured and fines totalling €42,854 were imposed. There were two custodial sentences, one of six months suspended and one of two years suspended. In 1999, there were two cases. In one case, a fine of €19,046 was imposed with no custodial sentence and in the other, the defendant was acquitted. In 2000, three cases were initiated and three convictions were secured. Fines totalling €952 were imposed. There were two custodial sentences, one of two years, reduced to 18 months on appeal, and another of 12 months suspended. In 2001, there were four cases and fines totalling €14,284 were imposed. There were four custodial sentences, one of 12 months, two of six months suspended and another of three months. In 2002, there were three cases initiated and three convictions secured. Fines totalling €5,540 were imposed and one custodial sentence of six months suspended.

In 2003, there were six cases initiated and six convictions secured. Fines totalling €29,365 were imposed and one custodial sentence of two years suspended. In 2004, there was one case, a fine of €5,000 was imposed and 180 hours community service was imposed in lieu of a three months custodial sentence. In 2005 to date, there have been nine cases, six of which are still in the court process, including one case adjourned awaiting sentence. In the three completed cases, fines totalling €22,200 have been imposed. There has been one custodial sentence of three months, another sentence of 240 hours community service in lieu of a six months custodial sentence and another of 120 hours community service in lieu of three months custodial sentence.

The Revenue Commissioners have a clear policy of prosecuting cases of serious tax evasion. This function is tasked to their investigations and prosecutions division. Following the restructuring of Revenue in 2003, all investigation activity was consolidated in this division with a remit to co-ordinate all Revenue prosecution work and, in particular, to increase the number of criminal investigations for serious tax offences and ultimately to increase the number of prosecutions.

The number of investigators was also increased for this purpose.

The most recent figures indicate that this approach is proving successful. There are currently 48 cases under investigation for potential prosecution, the Director of Public Prosecutions is considering a further 13 cases and has given directions to prosecute in another five. Bench warrants have been issued in two cases for failure to attend court and, as I have stated, six cases are in the court process. Combined with the four successful prosecutions to date in 2005, it is the highest overall figure to date and vindicates the decision to concentrate Revenue Commissioners' prosecution resources in one area.

*Question No. 68 answered with Question No. 43.*

#### **Tax Code.**

69. **Mr. P. Breen** asked the Minister for Finance his plans to extend the provision of tax relief at source in order that all persons benefit from the relief to which they are entitled. [18409/05]

**Minister for Finance (Mr. Cowen):** At present tax relief at source arrangements exist for medical insurance premia and mortgage interest relief. The arrangements were put in place in the Finance Act 2001 to ease the administrative burden for claimants and for the Revenue Commissioners. In view of their success, the Revenue Commissioners are considering whether there are other sectors in which this arrangement could effectively be applied. Any such proposals will be a matter for consideration in the context of future Finance Bills having regard to relevant factors such as administrative feasibility, benefits and cost.

70. **Mr. Penrose** asked the Minister for Finance if he will consider lowering the cap on tax relief for pensions savings to prevent wealthy persons from using it as a tax avoidance scheme; and if he will make a statement on the matter. [17124/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware, I announced in my Budget Statement that I have directed my Department, together with the Revenue Commissioners, to undertake a detailed review of various tax reliefs and exemptions. I subsequently announced that the review would also include the examination of pensions tax relief. This examination is at present under way and its findings will be taken into account in the context of the 2006 budget.

71. **Mr. Broughan** asked the Minister for Finance if his attention has been drawn to the Revenue Commission document quoted on the "Prime Time Investigates" programme, transmitted on 23 May 2005, which said that some individuals who claimed to be non-resident for tax purposes were in reality living here; his response to the claim made; and if he will make a statement on the matter. [18266/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the report mentioned was an internal report of an organisation review group which led in to the restructuring of the Office of the Revenue Commissioners. The comment in the report in relation to the possibility that people claiming to be non-resident in Ireland might in reality be living here was intended to outline the group's perception of a risk that Revenue's new structures would need to be able to focus on. I am advised that the comment was not based on any research carried out at that time. The new structures which emerged from the report and which were put into place in late 2003 included a specialist high wealth individuals unit within a large cases division and specialist areas in each region which were capable of focusing on the tax compliance behaviour, including residence patterns, of wealthy people.

I am also informed that the high wealth individuals unit is at present examining a number of claims to non-residence as part of its risk-based audit programme and that this type of audit will be a feature of all future audit programmes in this area.

I am further informed by the Revenue Commissioners that the procedures adopted in relation to validating a claim to non-residence status depend on the circumstances in each case. The administration of these validation procedures is a matter for the Revenue Commissioners and I am informed by them that these procedures are kept under review. The methods used to verify claims to non-residence include a range of tests and an intelligence dimension which for obvious reasons Revenue do not publicise. In addition, Revenue has statutory powers to make relevant inquiries in relation to any aspect of tax returns including claims to non-residence status.

#### **Disabled Drivers.**

72. **Mr. Naughten** asked the Minister for Finance his plans for reform of the tax concessions for disabled drivers. [18415/05]

**Minister for Finance (Mr. Cowen):** A special interdepartmental review group has already reviewed the operation of the disabled drivers scheme. The terms of reference of the group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it both on an administrative and user level and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The group's report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also makes a number of recommendations, both immediate and long-term, encompassing the operation of the appeals pro-

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cess and options for the future development of the scheme.

Following on from the report's immediate recommendations concerning the appeals process, amendments to the regulations governing the scheme were made by my predecessor in July 2004, and by me in April 2005, to improve the operation of the appeals process. These amendments included providing for an expansion of the panel of medical practitioners serving on the medical board of appeal from three to ten. This will substantially reduce the waiting time for appellants.

In respect of the long-term recommendations, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance will consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

This Government is committed to supporting and reinforcing equal participation in society by people with disabilities. I remind the Deputy that disability was one of the priority areas where I substantially increased investment in budget 2005. Any changes to this scheme will be considered in the context of the overall development of policy in this area.

#### **Rebate Abolition.**

73. **Mr. Gormley** asked the Minister for Finance his views on the European Commission's plans to cap the British budgetary rebate in 2007 and reduce it thereafter; and if he will make a statement on the matter. [18340/05]

**Minister for Finance (Mr. Cowen):** The European Commission published an own resources report in July 2004 which concerned the financing of the budget of the European Union. One of the principal proposals in the report was the abolition of the rebate for the United Kingdom. The Commission also proposed that transitional and decreasing payments be made to the UK from 2008 to 2011 to cushion the impact of the rebate's abolition.

The UK rebate mechanism was agreed by the European Council in 1984. It was based on the general principle that any member state sustaining a budgetary burden which is excessive in relation to its relative prosperity may benefit from a correction at the appropriate time. In 1984, the UK was one of the less prosperous member states and, largely because of the UK's relatively small drawdown from the Common Agricultural Policy which at that time took up the great bulk of the EU budget, it was nevertheless a very significant net contributor to the budget.

Circumstances have changed considerably since 1984. The UK is now one of the richest member states of the Union while following a ser-

ies of reforms the CAP's share of EU expenditure has fallen considerably. Furthermore, the recent and prospective enlargements of the Union have increased the demand for substantial structural assistance to much less prosperous countries and regions. In these circumstances, it seems natural that the rebate mechanism introduced in 1984 has come up for review. This is a complex matter which will eventually be decided at a meeting of heads of state or government as part of an overall decision on the size, composition and funding of the EU budget for the seven years to 2013.

#### **Economic Competitiveness.**

74. **Mr. Deasy** asked the Minister for Finance if he plans to play a leadership role in addressing the emerging problems of the competitiveness of Ireland's exporting sectors. [18421/05]

**Minister for Finance (Mr. Cowen):** Restoring and enhancing national competitiveness is a key priority for this Government. The Government is keenly aware of the importance of Ireland's exporting sectors to investment and jobs and in turn of the importance of competitiveness for these sectors. However, it must be remembered that we cannot control some variables which affect our competitive position, such as our exchange rate. In these circumstances, we must seek to control those key determinants of our competitiveness which we can influence.

The maintenance of competitiveness requires that wage increases remain in line with that justified by productivity growth. Sensible income policies and a greater role for competition in the economy are vital in delivering this. Wage increases must be limited to those negotiated under Sustaining Progress.

The rate of inflation is another important determinant of competitiveness. In this regard, the moderate rate of CPI inflation over the last year is a welcome development. Notwithstanding the fact that our inflation rate is largely determined by external factors over which we have no control, we can seek to ensure that our domestic cost base does not add to it. My decision not to increase excise rates in the budget will help support low inflation this year.

It is also important to maintain public spending growth at levels that are sustainable over the medium term. This will help to maintain the low burden of taxation, which in turn will protect competitiveness and maximise our economic potential.

We are maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit. This will support future competitiveness and ensure that Ireland creates the right environment for foreign investment and continued export growth.

#### **Decentralisation Programme.**

75. **Mr. Durkan** asked the Minister for Finance the progress to date in the matter of the Govern-

ment's decentralisation programme; the number of civil and public servants who have to date agreed to relocate under the programme; the locations in respect of which agreement has been reached; the number, cost and location of premises required or disposed of in the context of the programme; when it is expected the programme will be concluded; and if he will make a statement on the matter. [18430/05]

**Minister for Finance (Mr. Cowen):** The decentralisation implementation group was appointed to drive forward the overall implementation of the decentralisation programme. The two reports of the implementation group dated 31 March 2004 and 30 July 2004 provided detailed accounts of the progress made in implementing the programme.

In addition, the implementation group prepared two further reports in November 2004 which were approved by the Government and subsequently published. One of these reports identified the organisations-locations which, in the implementation group's view, should be the first to relocate. This included details of the indicative construction completion dates in respect of office accommodation for the early mover organisations.

The OPW has to date agreed 15 property solutions in principle and a further 20 plus locations are at an advanced stage in the acquisition process. Sites for the remaining locations in the programme are being pursued by the OPW.

The Public Appointments Service has provided Departments with the details of those civil and public servants who have applied to relocate with them. Departments are now arranging for the transfer of staff into each organisation for training purposes.

### State Property.

76. **Mr. Penrose** asked the Minister for Finance the position regarding the planned sale of State property announced; the property sold to date and the amount raised; the way in which the money used has been raised; the properties it is planned to sell during 2005; and if he will make a statement on the matter. [18286/05]

**Minister of State at the Department of Finance (Mr. Parlon):** My reply to Parliamentary Question No. 62 of 27 April refers. In addition to the above, a site at Leighlinbridge Garda station was sold at auction for €165,000 on 22 April 2005 and Ballinskelliga former Garda station was also sold at auction on 10 May 2005 for €408,000. The Westgate site of 3.9 hectares at John's Road has also been disposed of as part of the OPW's transforming State assets programme. The majority of the site was sold for €79,263,000. The site was partly owned by Eircom. In order to maximise its value, a full planning approval was obtained for a mixed use scheme of apartments, shops, offices and a hotel. An agreement was also concluded for Eircom to build its corporate headquarters on

the site. As a result of both transactions, the State has released €44,916,500 from what was formally an underused brown field site.

### Revenue Investigations.

77. **Mr. S. Ryan** asked the Minister for Finance the number of individuals, companies and trusts being investigated by the Revenue Commissioners arising from the clerical medical insurance-NIB inquiry at the latest date for which figures are available; the number of cases where settlements have been agreed; the amount paid to date; the number of cases still outstanding; and if he will make a statement on the matter. [18291/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that arising from the clerical medical insurance-NIB inquiry, 466 cases have been targeted for investigation. To date, 298 cases have been settled on payment of tax, interest and penalties amounting to a total of €49.71 million. A further 117 cases have been finalised with no additional liability arising. The remaining 51 cases are the subject of ongoing investigation, in respect of which €4.19 million has been paid on account.

In the course of 2003, three cases were prosecuted, with fines being imposed in two cases and a suspended sentence imposed in the other. The individuals concerned have also settled their tax affairs and paid the outstanding tax, together with interest and penalties. A further case is currently under investigation with a view to prosecution.

Aggregate results of the ongoing investigations have been published each year since 1998 in the annual reports of the Revenue Commissioners. Individual details of settlements have also been published where the provisions of section 1086 of the Taxes Consolidation Act 1997 applied.

### Tax Code.

78. **Mr. Boyle** asked the Minister for Finance if he will respond to the recent comments by the EU Tax Commissioner, Mr. Laszlo Kovacs, that a deal on common EU corporate tax rates will be agreed within three years. [18335/05]

**Minister for Finance (Mr. Cowen):** I understand it was reported that EU Tax Commissioner, Mr. Laszlo Kovacs, made comments at a tax seminar in Stockholm recently anticipating that work on an EU common consolidated corporate tax base could be completed within three years.

A technical working group chaired by the Commission is currently considering the issues and has a three year work plan. Ireland, along with all other member states, is participating in the work of the technical group without prejudice to our national position.

As regards the Commission's proposals for a common consolidated corporate tax base the Irish position is clear. We, along with a number of other member States, are opposed to the harmonisation of the corporate tax base. We believe



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that the efforts of all are better spent in tackling specific issues identified as barriers to trade and we support the efforts to eliminate unfair business tax practices within the EU. While the Commission's proposal does not explicitly include the harmonisation of corporation tax rates, our opposition to the harmonisation of corporation tax is well known.

#### **Non-Resident Accounts.**

79. **Mr. S. Ryan** asked the Minister for Finance the number of High Court orders sought to date by the Revenue Commissioners under the Finance Act 1999 to require financial institutions to supply names, addresses and other relevant information regarding holders of bogus accounts at the latest date for which figures are available; the number of cases where orders have been granted; the general progress made to date in identifying the holders of such accounts who did not avail of the recent voluntary disclosure scheme; and if he will make a statement on the matter. [18292/05]

**Minister for Finance (Mr. Cowen):** Authorised Revenue officers are empowered to make an application to a judge of the High Court seeking an order requiring financial institutions to supply names, addresses and other relevant information concerning account holders who may have held bogus non-resident deposit accounts. Such applications are made under section 908 of the Taxes Consolidation Act 1997, as amended by the Finance Act 1999. Information supplied by the financial institutions under section 908 orders is the principal basis for identifying bogus non-resident account holders who did not avail of the voluntary disclosure scheme in 2001. This inquiry work commenced on 16 November 2001.

I am advised by the Revenue Commissioners that 18 applications for orders under section 908 have been made and have been granted. When one includes institutions, which have been taken over or amalgamated with other institutions, these orders seek information in respect of accounts in 26 financial institutions. No further applications for such orders are pending in regard to the bogus non-resident account inquiries.

A large volume of information has been reported to Revenue under the High Court orders. Inquiry work in relation to the examination of the first batch of taxpayers commenced on 11 October 2002. Further general issues of enquiry letters were made in January, May, July, September, October 2003 and January 2004. These general inquiry letter issues relate to 91,000 non-resident accounts that had Irish addresses connected to them. A total of 177,000 inquiry letters have been issued to taxpayers in respect of these non-resident accounts. The final general enquiry letter issue took place in January 2004.

The Revenue Commissioners have informed me that the final phase of this investigation is now substantially complete. Since 15 November 2001 payments of €355 million have been made to

Revenue by taxpayers who held bogus non-resident accounts.

#### **Revenue Investigations.**

80. **Ms McManus** asked the Minister for Finance if in regard to the Revenue Commissioners investigation into undisclosed funds invested in life assurance products, the number of persons who had made personal declarations prior to the deadline on 23 May 2005; the way in which this compares with the original estimate; the amount paid in settlements to date; if any estimate is available of the likely final amount of payments; and if he will make a statement on the matter. [18278/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that they are conducting their investigation into tax liabilities which relate to undisclosed funds invested in life assurance investment products in two stages. In the first stage of these inquiries taxpayers, who invested undisclosed and undeclared funds in life assurance products were given until 23 May 2005 to give notice to Revenue of their intention to make a voluntary disclosure. This part of the disclosure stage has now been successfully completed and about 10,000 persons have notified Revenue that they may have a tax issue. In addition, approximately 2,000 persons have written to Revenue to say that they have no outstanding tax issues. Taxpayers who have tax issues and who decided to elect for this option have until 22 July 2005 to pay their outstanding liabilities.

The Revenue Commissioners have informed me that they had made no estimate of the numbers of notices of intention that might be made by the 23 May deadline but that they are satisfied with the outcome and that significant progress is being made in their investigation.

It is not possible to give any estimate of the amount that will eventually be yielded by this investigation. To date payments of €2.5 million have been made and following the payment deadline of 22 July for the voluntary disclosure phase it will be possible to give a total figure for that phase. However, there will also be yield from the subsequent follow through investigation of those who did not make voluntary disclosures but this is likely to be spread over some years.

#### **Legislative Review.**

81. **Mr. Costello** asked the Minister for Finance if, in view of the comments made in the Dáil on 23 and 24 May 2005, the proposed nature of the review of the legislation and regulations regarding non-residency status for tax purposes; the person by whom the review will be undertaken; when it is expected to be completed; and if he will make a statement on the matter. [18268/05]

91. **Mr. Cuffe** asked the Minister for Finance if his Department is reviewing tax residency rules as part of the review of tax reliefs; the alternative

arrangements which have been considered by his Department; and if he will make a statement on the matter. [18336/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 81 and 91 together.

The rules on residency are not a tax relief scheme as such and are therefore not included in the review of tax relief schemes that I announced in the 2005 budget. However, as already outlined to the House, I have asked the chairman of the Revenue Commissioners to monitor the application of the current non-resident rules, through examination of cases handled in the Revenue large cases division and to provide me with a report once this examination is complete.

### Project Evaluation.

82. **Mr. G. Murphy** asked the Minister for Finance the reason he opposes a unit with his Department to audit the quality of evaluation of the costs and benefits of major projects. [18332/05]

**Minister for Finance (Mr. Cowen):** Primary responsibility for the evaluation, planning and execution of capital projects should rest with Ministers, line Departments and their implementing agencies. My Department has a strong concern to promote the pursuit of optimal value for money by Departments and implementing agencies from public capital investment. It has been doing this through the framework of the five year rolling multi-annual capital envelopes and the newly published revised guidelines for the appraisal and management of capital expenditure proposals in the public sector. These guidelines set out the framework within which Departments and agencies evaluate the costs and benefits of projects. Under my Department's general conditions of sanction to expenditure under the capital envelopes Departments must put in place a system to carry out annual spot checks for compliance with the capital appraisal guidelines, including those relating to evaluation.

The EU co-financed NDP-CSF evaluation unit is an independent evaluation unit under the aegis of my Department which has responsibility under the direction of the technical assistance monitoring committee for evaluation of the NDP operational programmes and related issues. In this regard, it has engaged in, or overseen, a number of evaluations since the commencement of the NDP, including the evaluation of investment in key capital programmes such as the road network and in public transport. It has also assisted my Department in relation to the revision of the above mentioned capital appraisal guidelines. The role of NDP-CSF evaluation unit is being extended to carrying out periodic reviews on behalf of my Department of the spot check reports from Departments under the capital envelopes. It will, therefore, have a role in audit-

ing the quality of the evaluation of capital projects.

### Tax Code.

83. **Mr. O'Shea** asked the Minister for Finance when the Government will honour the commitment given in An Agreed Programme for Government that 80% of all earners will pay tax only at the standard rate, especially in view of the fact that the proportion of taxpayers paying at the higher rate is expected to increase from 32.61% in 2004 to 33.17% in 2005; and if he will make a statement on the matter. [18284/05]

**Minister for Finance (Mr. Cowen):** The Government programme, An Agreed Programme for Government, states that "over the next five years our priorities...will be...to ensure that 80% of all earners pay tax only at the standard rate.". The five year period mentioned commenced three years ago when the Government were elected to office. I should also point out, however, that the commitment is given in the context of a broader economic and budgetary strategy which provides, among other things, that the public finances will be kept in a healthy condition and that personal and business taxes will be kept down in order to strengthen and maintain the competitive position of the Irish economy.

The position is that had the standard rate bands not been widened to the extent that they were in budget 2005, 35.9% of income earners would have been paying tax at the higher rate in 2005. The effect of the budget was to reduce the proportion to 33.2%.

Further progress in this area will be a matter for consideration in the context of the annual budgets over the next number of years consistent with the Government's overall economic and budgetary strategy.

However, I would remind the Deputy that since 1997, average tax rates have fallen for all categories of taxpayer. For example, the average tax rate, that is, income tax, PRSI and health levy combined for the person on the average industrial wage has reduced by over ten percentage points from over 27.6% in 1997 to less than 17% in 2005. Also, it is estimated that in 2005 the proportion of the income tax yield coming from those earning at or under the average industrial wage is projected to be about 5.9%. The equivalent figure in 1997 was over 14%.

In an international context, the most recent data from OECD relating to the year 2004 indicates that once again, Ireland has the lowest tax wedge, that is, income tax plus employee and employer PRSI as a proportion of gross wages plus employers PRSI, in the EU and one of the lowest in the entire OECD. Furthermore, the personal average tax rate of the average production worker dropped in Ireland between 2003 and 2004, despite an increase in wages. Meanwhile, the average tax rate rose or remained the

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same in about 20 of the other 29 countries surveyed.

For the single worker on the average production wage in Ireland, the average tax rate is the third lowest after Korea and Mexico of the 30 countries studied. It is the lowest of the 19 EU member states surveyed. A married one earner couple with two children on the average production wage in Ireland in 2004 in fact receives more money in cash transfers from the State than they pay out in income tax and social security contributions. Only Luxembourg is in the same league as Ireland in this respect and the OECD figures do not take account of the further improvements made in budget 2005.

#### **Pension Provisions.**

84. **Ms Lynch** asked the Minister for Finance if his attention has been drawn to the fact that a person (details submitted) in County Cork has been refused a pension by RTE on the basis that a widow's pension, under its superannuation scheme, ceases in the event of remarriage or cohabitation; his views on whether such a provision is unfair and discriminatory; his further views on whether such a provision should be removed from all pension schemes as recommended by the Commission on Public Service Pensions; his further views on whether, if this recommendation is accepted, it should apply retrospectively; and if he will make a statement on the matter. [18176/05]

**Minister for Finance (Mr. Cowen):** I do not have specific information on the case of the person referred to and I would point out that ministerial responsibility for pension matters in RTE rests with my colleague, the Minister for Communications, Marine and Natural Resources. I am, however, happy to deal with the general issue raised in the question.

As the Deputy is aware, the Commission on Public Service Pensions recommended that the provision in public service pension schemes which requires a spouse's pension to cease on grounds of remarriage or cohabitation should be removed. This was one of several recommendations made by the commission in relation to public service spouses' and children's schemes. Arising from a decision of Government in September 2004, these recommendations are currently being studied by a working group on possible changes to public service spouses' and children's schemes, which is chaired by my Department and has representation from relevant Departments and from public service staff side interests. The group's terms of reference require it to complete its final report by end November 2005. Pending receipt of the group's report, I would not feel it appropriate, at this stage, to comment further on the recommendation referred to in the Deputy's question.

#### **Decentralisation Programme.**

85. **Mr. Eamon Ryan** asked the Minister for Finance if specialist civil servants will not be forced to change to unsuitable jobs due to decentralisation. [18342/05]

**Minister for Finance (Mr. Cowen):** There are particular issues that arise in dealing with specialist civil servants. The correct approach is to tease out the issues and develop good long-term solutions in consultation with all of the parties involved. This is the approach being adopted by the decentralisation implementation group. I am confident that the programme will proceed and will be successfully completed in due course.

#### **Tax Code.**

86. **Mr. Howlin** asked the Minister for Finance his plans to review the operation of the tonnage tax, under which certain shipping operators will opt to pay a notional tax based on tonnage, rather than standard corporation tax; the number of vessels that qualify and the amount of tax foregone; his further plans to impose any conditions on companies opting for this system, such as a requirement to employ crews an acceptable level of payment and conditions; and if he will make a statement on the matter. [18271/05]

**Minister for Finance (Mr. Cowen):** The tonnage tax regime was introduced in the 2002 Finance Act to help the Irish shipping sector, which along with other EU countries faced competition from ships registered in outside the EU. Several member states reacted to these developments by introducing a special low tax regime known as tonnage tax under which the tax is paid by reference to the tonnage of the ships.

The tonnage tax system currently applies in 12 EU countries, including Ireland, and the tonnage tax regimes for these EU countries have had to be cleared with the European Commission for state aid purposes. The European Commission is conscious of the need to protect the EU shipping sector and took this key objective into account when approving the tonnage tax regime.

I am informed by the Revenue Commissioners that only four companies have opted for the tonnage tax scheme and have accordingly paid tax in that manner. The total tax paid in 2003 under the regime was €100,000. None of these companies appear to give rise to concern about the appropriateness of tonnage tax in their circumstances.

I have no immediate plans to review the specific operation of the tonnage tax system. However, I assure the Deputy that all tax reliefs and incentives are kept under review, especially in the context of the budget and Finance Bill, to ensure that they continue to fulfil the objective or objectives for which they were introduced.

87. **Mr. Cuffe** asked the Minister for Finance if a citizen-based or other alternative tax residence system has been considered by his Department;

and if he will make a statement on the matter.  
[18337/05]

**Minister for Finance (Mr. Cowen):** My Department has not considered, either in the review of the residence rules in 1994 or more recently, a citizen-based tax system or any other alternative to the residence-based system, which has applied here for very many years. Linking tax liability with citizenship is not the normal practice in OECD countries where tax liability is based on definition of residence. The implications of any change to a citizenship basis would need to be thought through carefully. It may catch many persons who have left the State, or who have never lived here, and have little or no connection with the State in so far as their tax paying capacity is concerned.

### Capital Projects.

88. **Mr. Perry** asked the Minister for Finance if he is arranging to receive regular reports on the progress of major capital projects in relation to cost over-runs and scheduled delivery times.  
[18416/05]

**Minister for Finance (Mr. Cowen):** Primary responsibility for managing capital programmes and the evaluation, planning and execution of capital projects on time and in line with budget rests with line Departments and the relevant implementing agencies.

The Department of Finance's role is to agree with Departments, subject to the direction of the Government, the policy framework for capital programmes and projects, to advise Government on the global provision in the rolling five year multi-annual capital envelopes and to put in place best practice guidelines for the appraisal and management of capital projects. Line Departments and their agencies are responsible for managing their programmes and projects within budget and in compliance with the policy framework and with guidelines laid down by my Department. In general, therefore, Departments have delegated sanction to execute projects at programme level.

In line with the above arrangements it is the responsibility of line Departments and implementing agencies to monitor major capital projects in relation to budget and timetable. This requirement is included in my Department's general sanction for expenditure under the five year multi-annual capital envelopes.

Departments are also required to put in place a system to carry out annual spot checks of projects to ensure compliance with the requirements of the capital appraisal guidelines, including those relating to the appraisal and management of project costs and to report the findings of such spot checks annually to my Department. The NDP-CSF evaluation unit will carry out periodic

reviews of these spot check reports on behalf of my Department.

### Revenue Investigations.

89. **Mr. Sherlock** asked the Minister for Finance the number of individuals, companies and trusts being investigated by the Revenue Commissioners arising from the Ansbacher accounts at the latest for which figures are available; the number of cases where settlements have been agreed; the total amount paid to date; the number of cases still outstanding; if any additional action has been taken by the Revenue Commissioners arising from the report of the Ansbacher inspector; and if he will make a statement on the matter. [18293/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that their Ansbacher review team has been carrying out detailed investigations since October 1999. The investigation has essentially two elements. There are Ansbacher-type arrangements and there are other cases involving offshore funds and deposits.

Revenue has advised that the review team has inquired into 289 cases to date and 123 of these cases have been finalised. The 289 cases, taking account of spouses and connected companies, consist of 300 names. The 289 cases are made up of 179 cases listed in the High Court inspectors' report and 110 similar cases discovered by Revenue or listed in the authorised officer's report.

A total of 211 cases have been under active investigation. The remaining cases consist of 62 non-resident persons, including 17 former Irish residents, 12 individuals who claimed the 1993 amnesty provisions and four cases with insufficient identity information.

The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected entities. The number of connected entities in relation to cases under investigation is now nearly 700.

Revenue has made extensive use of its legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available.

Revenue has made six successful applications to the High Court for the production by financial institutions and third parties of books, records and other documentation, which are relevant to liabilities of Ansbacher account holders. Some 200,000 documents have been received under the terms of the High Court orders. Advanced investigative computer software is used in controlling and managing the documentation.

To date, a total of €47.80 million has been received, consisting of settlements and payments on account, in respect of 96 cases. This is made up of:

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Cases involving Ansbacher or Ansbacher-type arrangements	77 cases	€38.47 million
Other cases involving offshore funds or deposits	19 cases	€9.33 million
Total	96 cases	€47.80 million

The 123 cases which have been finalised consist of 68 cases which were settled on payments of €38.81 million, included in the amount above, 36 non-resident cases which are covered by the provisions of double taxation agreements, 17 cases where no additional liabilities arose and two which were covered by the 1993 amnesty provisions. Revenue made an application under section 11 of the Companies Act 1990 for a copy of the High Court inspectors' report which was made available to Revenue on 6 July 2002. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned.

In addition, Revenue made a further application to the High Court for access to the supporting papers to the High Court inspectors' report. Judgment was delivered by the President of the High Court in May 2004 to allow access to documents relating to clients of Ansbacher named in the High Court inspectors' report and those persons and companies, including members of the board, found by the High Court inspectors to have failed to co-operate with their inquiry. The judgment also allows for Revenue to make application and grounding affidavit for the obtaining of information and documents relating to any other individual or company. Access to documents is subject to the direction of the High Court. The High Court order in the matter was granted in June 2004 and perfected in January 2005. Revenue has applied, on foot of the order, for access to documentation in respect of certain cases named in the High Court inspectors' report. The documentation is still awaited. Revenue has informed me that the investigations are time consuming and complex and are likely to continue for some time to come.

#### Tax Code.

90. **Ms C. Murphy** asked the Minister for Finance the extent of tax relief on refuse charges in 2004; the estimates for tax relief in 2005; the way in which it is intended to handle tax relief on the various pay by weight systems; and the information which is being provided to the public in this respect. [18173/05]

**Minister for Finance (Mr. Cowen):** The current tax relief for waste service charges is provided by granting relief at the standard rate to taxpayers in respect of the charges they have paid in the previous year. Where a fixed annual charge applies, the full payment qualifies for tax relief provided it has been paid on time. Where a variable charge is applied for refuse collection, based on a weight or volume, the tax relief is restricted

to a maximum of €195 per annum at the standard rate of tax.

I am informed by the Revenue Commissioners that the most recent relevant information available relating to local authority service charges is for the income tax year 2002. The estimated cost to the Exchequer in that year was of the order of €5 million. No estimate is available at this time for the likely cost of tax relief for waste service charges in 2005. The operation of this tax relief will be kept under review in the light of changes in the systems for levying waste charges. Any change in the scope or operation of the relief would be a matter for consideration in the context of the annual budgetary process.

Information in relation to how tax relief on waste charges currently operates can be obtained on the Revenue website — information leaflet IT 27 — or by contacting the local Revenue offices. The PAYE information leaflet issued to all PAYE taxpayers at the commencement of the tax year also contains information on claiming relief on waste charges.

*Question No. 91 answered with Question No. 81.*

#### Financial Services Regulation.

92. **Mr. Stagg** asked the Minister for Finance if he has received a reply to his letter to the financial regulator seeking advice on the adequacy of existing legislative and regulatory arrangements for the supervision of companies based in this country offering re-insurance; and if he will make a statement on the matter. [18298/05]

**Minister for Finance (Mr. Cowen):** The recommendation of the financial regulator in regard to the regulation of reinsurance is to fast track the transposition of the EU Reinsurance Directive into Irish law. The EU is close to adopting a Reinsurance Directive which will significantly strengthen the regulatory environment by obliging all member states to introduce a supervisory regime for reinsurance companies, based on a modified version of the regime that applies for insurance companies.

I have accepted the advice of the financial regulator and my Department has been in contact with the Office of the Attorney General to arrange for the drafting of the necessary regulations as soon as possible. My officials will keep in contact with the Office of the Attorney General with a view to achieving satisfactory transposition of the directive by its date of entry into force.

### Decentralisation Programme.

93. **Mr. Sherlock** asked the Minister for Finance if the Government's decentralisation plan will be carried out on a totally voluntary basis; if staff will neither be offered inducements to transfer or subject to penalties if they decide not to move; and if he will make a statement on the matter. [18294/05]

**Minister for Finance (Mr. Cowen):** The programme of decentralisation will be implemented through the transfer of staff on a voluntary basis. There will be no redundancies and, as on previous occasions, the payment of removal or relocation expenses will not arise. However, consultations will be held with the public service unions on an ongoing basis to address the concerns of all staff affected by the programme.

### Funding Provision.

94. **Ms C. Murphy** asked the Minister for Finance if he will ring-fence receipts from the Criminal Assets Bureau for drug prevention and rehabilitation programmes. [18174/05]

**Minister for Finance (Mr. Cowen):** I cannot in principle support the ring-fencing of receipts from the Criminal Assets Bureau for any specific project. In the first instance, ring-fencing constrains the Government in the implementation of its overall expenditure policy. If it were agreed that projects in communities affected by drug abuse should be funded by ring-fenced revenues, it would set a precedent that would make it very difficult to refuse other representations that might be made in the future to earmark revenues for other specific purposes.

If certain revenues were ring-fenced for particular projects within the overall fight against drug abuse, any projects thus funded would be dependent on actual revenue collected. Therefore, a fall in revenue might imply a fall in expenditure on these particular projects. Moreover, considerable resources are being allocated already to the fight against drug abuse by a range of Departments and State agencies as well as the community and voluntary sector. For example, in 2004, the Department of Community, Rural and Gaeltacht Affairs was allocated €26.756 million for drugs initiative-young peoples facilities and services fund, with the Departments of Education and Science and Justice, Equality and Law Reform also being allocated amounts.

In addition to funding being provided through the Exchequer, the Dormant Accounts Fund Disbursement Board's disbursement plan provides for the distribution of funds to assist programmes or projects targeting three broad categories of persons, including those affected by economic and social disadvantage. In this regard, the Dormant Accounts Fund Disbursements Board has authority to allocate a total of €60 million from the dormant accounts fund. At least 40% of this total is earmarked for programmes or projects

within RAPID, CLÁR and drugs task force areas.

Not all the revenues or proceeds of assets seized are drugs-related. It would hardly be a cost-effective use of scarce resources to try to apportion the proceeds into drugs-related and non-drugs-related monies

### Economic Competitiveness.

95. **Mr. Durkan** asked the Minister for Finance if Ireland will maintain its economic position as an investment location in view of the ever increasing costs which affect economic confidence; and if he will make a statement on the matter. [18429/05]

**Minister for Finance (Mr. Cowen):** Maintaining the attractiveness of Ireland as a location for mobile investment is essential for continued economic progress. It must be recognised, however, that external factors such as the exchange rate will have an impact on domestic costs and confidence, but that we cannot influence them.

In these circumstances, we must seek to control those costs which we can influence. It is important that wage pressures do not add to the domestic cost base. Therefore, the moderate pay increases agreed in Sustaining Progress should be adhered to. The moderate rate of consumer price inflation in Ireland over the last year will also help to improve the attractiveness of Ireland as an investment location. My decision not to increase excise rates in the budget will help support low inflation this year.

It is also important to maintain public spending growth at levels that are sustainable over the medium term. This will help to maintain the low burden of taxation, which in turn will protect competitiveness and maximise our economic potential.

We are maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit. This will support future competitiveness and ensure that Ireland creates the right environment for inward investment.

*Question No. 96 answered with Question No. 56.*

### Decentralisation Programme.

97. **Mr. Kehoe** asked the Minister for Finance if an evaluation of the proposed decentralisation of Ordnance Survey Ireland has been prepared or presented to him. [18425/05]

**Minister for Finance (Mr. Cowen):** As I stated in my replies to Parliamentary Question No. 52 of 1 February 2005, Parliamentary Question No. 69 of 3 March 2005 and Parliamentary Question No. 128 of 27 April 2005, all organisations that are decentralising, including Ordnance Survey Ireland, OSI, have prepared and submitted an implementation plan as requested by the decen-

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 tralisation implementation group, DIG. This plan included detailed material on all issues to be addressed in terms of people, property and business planning and will be further developed as additional information emerges. The plan also incorporates specific risk assessment and mitigation strategies. The plan was circulated to all staff and has been placed on the OSI intranet.

In November, the DIG published its list of early movers and this list, which was accepted by Government, does not include Ordnance Survey Ireland, OSI. It is expected that a further report will issue from the DIG dealing with all remaining locations, including Dungarvan.

### Tax Code.

98. **Mr. Gogarty** asked the Minister for Finance if his attention has been drawn to a publication (details supplied); if, on the basis of the findings therein, he will make changes to the pensions system and the Government's policies on pensions, with particular reference to tax reliefs for private pensions; and if he will make a statement on the matter. [18338/05]

**Minister for Finance (Mr. Cowen):** I am aware of the publication to which the Deputy refers. As the Deputy will be aware, I announced in my Budget Statement that I have directed my Department, together with the Revenue Commissioners, to undertake a detailed review of various tax reliefs and exemptions. I subsequently announced that the review would also include the examination of pensions tax relief. This examination is at present under way and its findings will be taken into account in the context of the 2006 budget.

### Decentralisation Programme.

99. **Mr. Eamon Ryan** asked the Minister for Finance his views on the recent report by the Revenue Commissioners which identified high cost and loss of expertise as two effects of its relocation to Kildare; and if he will make a statement on the matter. [18343/05]

106. **Dr. Upton** asked the Minister for Finance if his attention has been drawn to the serious concerns expressed in the Revenue Commissioner's outline implementation for decentralisation about the impact of the scheme on their work, including high costs and potentially damaging loss of expertise; and if he will make a statement on the matter. [18295/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 99 and 106 together.

In the budget 2004 announcement on decentralisation, it was provided that the Revenue Commissioners would relocate staff to four locations, Athy, Kilrush, Listowel and Newcastle West. It was also announced that a future decision on the location of Revenue's ICT would be made, and this was subsequently identified as Kildare town.

Revenue's moves to Kilrush, Listowel and Newcastle West are included in first phase moves. The outline plan for these moves has been submitted to the decentralisation implementation group. I am advised by the Revenue Commissioners that significant progress is being made in the planning and organising of these moves.

The budget 2004 announcement recognised the importance of ICT systems in terms of service delivery and the need for particular care in managing the relocation of the services, and associated jobs, outside Dublin. The decentralisation implementation group in its report of 19 November 2004 recommended that individual implementation plans should be submitted to it after consultation with the Centre for Management and Organisation Development, CMOD, of my Department. I am informed by the Revenue Commissioners that the outline implementation plan referred to is a draft plan for the decentralisation of ICT staff to Kildare submitted to the CMOD. The consultation between CMOD and the Revenue Commissioners is ongoing in relation to developing a final outline implementation plan.

The final outline plan will address the level of skills and experience and detail the consequences in terms of possible costs and staff replacement-training. It is quite appropriate and reasonable in my view in any such planning exercise to identify the risks and cost and to indicate the need to develop appropriate mitigation strategies. The decentralisation implementation group will consider Revenue's final outline implementation plan and any issues arising when it is finalised.

100. **Mr. P. McGrath** asked the Minister for Finance if he is satisfied with numbers of persons from within the State agencies which have indicated a willingness to decentralise with their agencies; and his views on the assessments from some of the agencies of the risk of damage to delivery of services. [18423/05]

**Minister for Finance (Mr. Cowen):** I accept that the number of applications to the central applications facility, CAF, from the Civil Service are much better than those from the State agencies. Unlike the State agencies, the Civil Service has considerable previous experience of decentralisation and has a long tradition of inter-departmental transfers.

The decentralisation implementation group, DIG, asked that all organisations participating in the programme should prepare detailed implementation plans including risk mitigation plans. These plans were prepared and submitted to the group. In its July 2004 report, the group noted that the overall quality of the plans was good. In line with a recommendation in the implementation group's November 2004 report, each of the Departments and organisations scheduled as early movers has prepared a revised implementation plan detailing the steps that need to be taken in order to complete the moves to the new

locations successfully. These have been submitted to the implementation group which has been examining them in detail. I am satisfied that this approach represents a realistic approach to risk identification and mitigation.

#### **Tax Code.**

101. **Mr. Sargent** asked the Minister for Finance if his Department has considered the benefits of making specific tax credits refundable; and if he will make a statement on the matter. [18344/05]

**Minister for Finance (Mr. Cowen):** The issue of making unused tax credits refundable was considered by a working group established under the Programme for Prosperity and Fairness to examine the role which refundable tax credits can play in the tax and welfare system. The group was made up of representatives of the social partners and was chaired by my Department. Among other things, it examined the issues which might arise if personal tax credits including the basic personal tax credit; the employee, or PAYE, tax credit; the one-parent family tax credit; the home carer tax credit; the incapacitated child tax credit; the blind person's tax credit; the dependant relative tax credit and the widowed person tax credit were made refundable.

Refundable tax credits, if they were available on a wide basis, are seen by some as providing income support through the tax system. Under the current system only those who pay tax are affected by budget tax changes.

However, a system of refundable tax credits could bring with it possible ill effects. A refundable tax credits system would have the characteristics of a partial basic income system. Such a system could impact adversely on enterprise and effort in the economy. A possible disincentive to work and adverse implications for competitiveness and output of the economy may also be among the main disadvantages. The system would also be very complicated to administer.

A refundable tax credits system could also be costly. I am advised by the Revenue Commissioners that the most recent estimated cost of making the personal tax credits mentioned earlier refundable when they are unused is broadly in the region of €1.7 billion annually. This cost relates only to those income earners on the records and it would be considerably greater if extended to everybody of working age, irrespective of income or tax status.

102. **Mr. P. McGrath** asked the Minister for Finance his action in response to the EU challenge to the tax relief on stud fees; and if he will make a statement on the matter. [18422/05]

**Minister for Finance (Mr. Cowen):** The stallion stud fee exemption was introduced in Finance Act 1969 and applied to nominations on all stallions whether standing at stud in Ireland or

abroad. The relief was amended in Finance Act 1985 so as to confine the tax exemption on stallion fees to income earned from stallions at stud in the State. Income arising to a part-owner of a foreign-based stallion continued to be exempted where the share has been acquired by a breeder for the purpose of acquiring new breeding lines for a bloodstock enterprise carried on in State.

The stallion relief was included as part of annual reports on aid granted in Ireland to the agriculture sector sent by the Department of Agriculture and Food to the European Commission in 1982 and on a number of subsequent occasions. The Commission wrote on 24 June 2003 stating that a complaint had been received in relation to the relief and asked that full details on the exemption be sent to the Commission for it to be assessed as a potential state aid.

My Department responded to the Commission on 17 July 2003 and a meeting between the officials of the Department and the Commission took place on 23 July 2003. The Department sent further details to the Commission by letter on 30 December 2003.

The Commission wrote on 21 April 2004 seeking additional information to complete the assessment of the relief as a potential state aid. This information was supplied by the Department later in the year.

In the most recent letter from the Commission, dated 6 January 2005, it was indicated that it has come to a preliminary conclusion that the stallion tax exemption would seem to constitute an aid scheme that is not compatible with the common market. The letter sets out the Commission's reasoning and, against this background, invited Ireland to submit comments within one month together with any concrete proposals regarding how the scheme in question could be brought in line with Article 87 of the EC Treaty.

Officials from my Department and the Department of Agriculture and Food met officials from the Commission directorate general for agriculture and rural development on 23 February 2005.

I, along with my colleague the Minister for Agriculture and Food, met with the EU Commissioner for Agriculture and Rural Development in Brussels on 12 May last on this matter. At the meeting, I took the opportunity to outline the background to the relief and the development of the industry in Ireland over the past 30 years setting out the importance of the horse breeding industry here in terms of its contribution to employment and economic activity particularly in rural areas. I also emphasised the importance of a strong Irish industry which can compete and be competitive in a European and global context.

I have reported on the discussions to my colleagues in Government and a reply to the Commission's letter of 6 January last has been issued. As agreed at the meeting of 12 May last with the Commissioner, discussions will continue at



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official level in relation to the Commission's assessment of the exemption.

103. **Ms O'Sullivan** asked the Minister for Finance if his Department has now concluded its consideration of the letter from the Commission directorate general for agriculture and rural Development advising that it had come to a preliminary opinion that the stallion tax exemption scheme would seem to constitute an aid that was not compatible with the Common Market; the contents of the reply sent to the Commission on 14 April 2005; the details of the amount he has submitted to the Commission of the estimate for 2003 of the stallion income exempted by the scheme; and if he will make a statement on the matter. [18281/05]

**Minister for Finance (Mr. Cowen):** I, along with my colleague the Minister for Agriculture and Food, met the EU Commissioner for Agriculture and Rural Development in Brussels on 12 May last to discuss the Commission's ongoing assessment of the stallion stud fee exemption in the context of EU state aid rules.

At the meeting, I took the opportunity to outline the background to the relief and the development of the industry in Ireland over the past 30 years, setting out the importance of the horse breeding industry here in terms of its contribution to employment and economic activity, particularly in rural areas. I also emphasised the importance of a strong Irish industry which can compete and be competitive in a European and global context.

I have reported on the discussions to my colleagues in Government and a reply to the Commission's letter of 6 January last has been issued. As agreed at the meeting of 12 May last with the Commissioner, discussions will continue at official level in relation to the Commission's assessment of the exemption.

As explained on previous occasions, there is no official estimate of the tax cost of the exemption until those availing of it make the returns required of them from next October.

### **Fiscal Policy.**

104. **Ms Burton** asked the Minister for Finance the steps he intends to take to deal with the shocking waste of taxpayers' money coming from the over-spends, under-estimates and aborted projects highlighted in the recent "Prime Time Investigates" programme, transmitted on 9 May 2005; the steps he intends to take to ensure value for money in public expenditure on capital projects; if he intends to implement in full the recommendations of the NESC study, Achieving Quality Outcomes, the Management of Public Expenditure; and if he will make a statement on the matter. [18272/05]

**Minister for Finance (Mr. Cowen):** I dealt with most of the issues raised in the Deputy's

parliamentary question in my address to the House in response to the Private Members' motion on 17 May in this matter. As I stated then, while I accept that there have been instances over the years of project overspends, etc., that could have been managed better, I do not accept that there was a shocking waste of taxpayers' money, etc., as suggested by the Deputy. The fact is that the Government has made available unprecedented levels of investment to urgently tackle infrastructural priorities, including investment of €36.3 billion planned for the period 2005-09. We have taken important steps to promote more efficient and effective management of public capital programmes and projects and to optimise value for money from public capital investment.

As Minister for Finance, my key role is to advise Government on prioritisation of resources at programme level for capital investment purposes and to set the framework within which capital programmes and projects must be appraised and managed by Departments and their agencies. Departments have extensive delegated sanction within this framework for project level appraisal and selection. I have with Government approval progressed the work commenced by my predecessor on the roll-out of the five-year rolling capital envelopes, on revising guidelines for the appraisal and management of capital programmes and projects and on reform of the rules relating to public procurement and public sector contracts. These initiatives are all designed to lead to better appraisal and management of capital programmes and projects and to assist the execution of programmes and projects within budget.

The capital envelopes also incorporate a facility to carry over to the following year savings of up to 10% of voted capital. This feature is also facilitating better planning and management of capital projects and programmes and discouraging any tendency to rush end of year spending on inefficient measures.

The move to fixed price public construction and construction related contracts and the shifting of risks to the private contractor will result in a closer match between tender prices and final project outturn costs.

Already, Departments are reporting evidence of better management of capital projects, notably in the transport area, where projects are now being completed ahead of schedule and within or in some cases below budget.

As my speech of 17 May last indicated, there have been significant improvements in the quality of public services arising from the investment of taxpayers' money. Many of the issues raised in the NESC study have been or are being addressed under the above mentioned reforms to the arrangements for the management and appraisal of public capital programmes and projects, reforms to the management of public expenditure generally and the Government's modernisation programme. Multi-annual budgets have been put in place in the rolling five-year

multi-annual capital envelopes. Evaluation arrangements have been strengthened in the newly published capital appraisal guidelines, which include, for the first time, a requirement to evaluate capital programmes with an annual value in excess of €50 million. Improvements have been made to the expenditure review initiative, including the implementation of the recommendations in the recent report of the expenditure review central steering committee to me. Evaluation capacity within the Civil Service is being enhanced through programmes such as the masters programme and diploma programme in public policy analysis introduced by the Centre for Management and Organisation Development, CMOD, in my Department and run on its behalf by the IPA in conjunction with UCD. Basic training in policy analysis is also being provided to Departments by CMOD which is also currently developing practical training in the application of the new capital appraisal guidelines. There has been a greater focus on outputs and increased use of IT through initiatives such as the roll-out in Departments of the management information system, MIF. On foot of my announcement in the 2005 budget, I am currently considering options for reform of the budget and Estimates process which I intend will address the issue of greater accountability to the Oireachtas for results.

#### **Tax Code.**

105. **Caoimhghín Ó Caoláin** asked the Minister for Finance the number of submissions he has received from the public to date in his review of tax reliefs; the further public consultation which will take place; and if he will make a statement on the matter. [18432/05]

**Minister for Finance (Mr. Cowen):** To date 84 submissions have been received on foot of the advertisement placed in the national newspapers and on my Department's website in January of this year. It is not envisaged that any further public consultation will take place other than to seek further clarification or information from those who have made submissions if this becomes necessary. It is of course, open to any member of the public to make submissions to my Department on matters of tax policy at any time. Often, such submissions are useful and informative in the development of policy.

*Question No. 106 answered with Question No. 99.*

*Question No. 107 answered with Question No. 30.*

108. **Mr. Naughten** asked the Minister for Finance the discussions officials of his Department have had with officials of the Department of Agriculture and Food regarding section 605 roll-over relief; and if he will make a statement on the matter. [14005/05]

**Minister for Finance (Mr. Cowen):** In the 2003 budget, it was announced that no capital gains tax roll-over relief would be allowed for any purpose on gains arising from disposals on or after 4 December 2002. Section 67 of the Finance Act 2003 gave legislative effect to the abolition of this relief. There is no record of any meeting between officials of my Department and officials of the Department of Agriculture and Food to discuss roll-over relief on land acquired by compulsory purchase order since the abolition of this relief.

#### **Decentralisation Programme.**

109. **Mr. Deenihan** asked the Minister for Finance when a site will be acquired for the decentralisation of a section of the Revenue Commissioners to Listowel, County Kerry; and if he will make a statement on the matter. [18175/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works are currently assessing a number of potential solutions in Listowel. These include sites and buildings. It is hoped that a final decision will be made in the near future.

*Question No. 110 answered with Question No. 50.*

#### **Unemployment Levels.**

111. **Mr. F. McGrath** asked the Taoiseach the number of unemployed persons registered in the State. [18662/05]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** Labour force indicators such as employment and unemployment are measured by the quarterly national household survey. The latest figures available are for September to November 2004. The number of unemployed persons in the State as requested by the Deputy is 85,600.

The live register analysis measures the number of persons registered for unemployment benefits at the local offices of the Department of Social and Family Affairs. The latest figures available are for April 2005 and these show that there are 151,619 persons registered.

The live register is not designed to measure unemployment. It includes part-time workers, or those who work up to three days a week, seasonal workers and casual workers entitled to unemployment assistance or benefit.

#### **Departmental Publications.**

112. **Mr. Kehoe** asked the Taoiseach the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18552/05]

**The Taoiseach:** The 2004 annual report for my Department is being finalised and will be published shortly. The cost of the report is not yet available but the cost of the 2003 annual report was €26,981.97.

One of the commitments in the Government White Paper on Better Regulation, published in 2004, was to produce guidelines on consultation for the public sector. Work on these guidelines, *Reaching out — Guidelines on Consultation for Public Sector Bodies*, commenced in December 2004 and is nearing completion. It is expected that the guidelines will be published in July this year. The projected cost of producing the report is €26,000.

A report which has as draft title, *Report on Piloting of Regulatory Impact Analysis and Recommendations for Mainstreaming*, was not commissioned *per se*. It is the report of a pilot process arising from the White Paper on Better Regulation. The projected cost, with quotations still in progress, is €17,500. The report is expected to be published in July.

It is intended that a report would be published in the coming weeks on the murder of Mr. Seamus Ludlow arising from the Commission of Inquiry into the Dublin and Monaghan Bombings of 1974 and other incidents. The commission commenced its work in January 2000 and Judge Barron's report on the Ludlow case is the third report made in a series of four. A separate breakdown of costs associated with this particular report is not available, as the costs incurred form part of the overall work of the inquiry team. It is expected that the printing of the report will be arranged by the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights, as was the case with previous reports from Judge Barron.

A report by the Information Society Commission, *Learning in the 21st Century: Towards Personalisation*, will be produced later this month. This will capture the proceedings of a policy workshop hosted by the commission in November last. The workshop was designed to engage key stakeholders with identifying strategic priorities in adapting the institutional arrangements supporting education and training to meet the challenges of the knowledge-based society.

The report arises from the work programme of the Information Society Commission itself, and was not commissioned by the Houses of the Oireachtas or by Government order. The costs of publishing the report will be approximately €1,400.

#### **Drugs Payment Scheme.**

113. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children the reason a drug (details supplied) is no longer available on the medical card; the information in her Department in relation to this issue; and if she will make a statement on the matter. [18514/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** There is a common list of reimbursable medicines for the general medical services and drug payment schemes. This list ensures equity between the schemes in relation to the range of medicines paid for by the State. The list is reviewed and amended monthly, as new products become available and deletions are notified.

For an item to be included on the common list, it must comply with a published list of criteria. These include authorisation status where appropriate, price and, in certain cases, the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical prescription and should not be advertised or promoted to the public.

There is an agreement in place between my Department, the Irish Pharmaceutical Healthcare Association and the Association of Pharmaceutical Manufacturers of Ireland on the supply terms, conditions and prices of medicines supplied to the health services, that is, the general medical services, other community drug schemes, the Health Services Executive and hospitals. One of the conditions of the agreement is that the price to wholesaler of each item of medicine covered by the agreement may not be increased for the term of the agreement.

The manufacturers of the product referred to by the Deputy applied to my Department for a price increase in December 2003 which was refused. The product was subsequently removed from the list of reimbursable drugs and medicines at the manufacturer's request. However, because of the indications for which this product is prescribed, my Department reviewed the matter and agreed to grant the price increase requested by the manufacturer. My Department is now awaiting receipt of an up to date product authorisation from the company concerned. As soon as this is received the product will be restored to the common list of reimbursable drugs and medicines.

A medical cardholder who experiences financial difficulty in obtaining items not on the common list should approach the relevant Health Service Executive area for assistance.

#### **Hospital Accommodation.**

114. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that there are only 20 paediatric psychiatric beds in the entire State for the under 16 population, with many regions of the country having no beds at all, and no beds for 16 to 18 year olds. [18515/05]

115. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children the immediate steps she will take to ensure that all regions of the country have sufficient paediatric psychiatric beds available for persons under 18 years in crisis situations who may otherwise may be placed in totally inappropriate psychiatric units for adults. [18516/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 114 and 115 together.

A working group on child and adolescent psychiatry was established by the Minister for Health and Children in June 2000 to make recommendations on how child and adolescent psychiatric services should be developed in the short, medium and long-term to meet identified needs.

The first report of the working group on child and adolescent psychiatry recommended that a total of seven child and adolescent inpatient psychiatric units for children ranging from six to 16 years should be developed throughout the country. Project teams have been established to develop child and adolescent inpatient psychiatric units in Cork, Limerick, Galway and one in the Health Service Executive's eastern regional area at St. Vincent's Hospital, Fairview. The process of appointing design teams for the units in Cork, Limerick and Galway is underway and the project team is continuing its work in relation to the unit at St. Vincent's Hospital. At present, in-patient services for children and adolescents are provided at Warrenstown House, Dublin and at St. Anne's in Galway.

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 child and adolescent psychiatric services.

#### **Health Services.**

116. **Ms McManus** asked the Tánaiste and Minister for Health and Children when the comhairle report on plastic surgical services will be published; the action she will be taking to deal with the needs of further development of plastic surgical services; and if she will make a statement on the matter. [18517/05]

**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, Comhairle na n-Ospidéal was dissolved on the day the Health Service Executive was established and the functions of comhairle have been transferred to the Health Service Executive. My Department has therefore requested the interim chief executive of the Health Service Executive to reply directly to the Deputy.

#### **Hospital Staff.**

117. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children her views on the findings of the Brennan report; when she intends to negotiate a new contract with consultants; and if she will make a statement on the matter. [18518/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** It is my intention that the recommendations of the report of the Commission on Financial Management and Control Systems in the Health Service, or the Brennan report, relating to the treatment of patients in our public hospitals will be progressed in the context of the negotiation of a new consultant contract and I am anxious to get these negotiations under way as soon as possible. However, as the Deputy may be aware, it is over 12 months since preliminary talks were held between management and the medical organisations to discuss the commencement of negotiations on a new contract for hospital consultants. Unfortunately, the opposition of these organisations to the extension of the clinical indemnity scheme to cover claims against consultants has led to a decision by the Irish Hospital Consultants Association, IHCA, not to participate in further negotiations pending a resolution of the issues involved. This has resulted in the commencement of talks on a new contract being deferred.

I am anxious to break the long-standing deadlock that has arisen, and I regret that the medical organisations continue to say that residual issues arising from the introduction of the clinical indemnity scheme, to cover claims against consultants and certain other industrial relations matters, be resolved to their satisfaction before they will agree to negotiate a new contract. Discussions are continuing with a view to resolving the former. I would emphasise that the root cause is the withdrawal of cover for historic liabilities of consultants by the Medical Defence Union. I have given the medical organisations an assurance that consultants who have been unreasonably left without cover will receive state assistance for a legal defence for any case that arises against them. This assurance has been endorsed by the Government. I view the fact that it proved possible to avert recent industrial action by the medical organisations in the matter as a positive development and in all the circumstances, I would be hopeful that the medical organisations will see their way to enter into negotiations with the Health Service Executive on a new contract for hospital consultants at an early date.

#### **Hygiene in Hospitals.**

118. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the steps she has taken to improve the hygiene and overall cleanliness in hospitals; her views on whether the lack of hygiene has contributed to the spread of MRSA; if she has targets for the reduction of MRSA in hospitals in the next two years; and if she will make a statement on the matter. [18522/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Improving the standards of cleanliness in hospitals is a priority. One of the specific actions identified in the ten point plan to improve the delivery of accident and emergency services

[Ms Harney.]

refers to the need to address this particular issue. Effective infection control measures, including environmental cleanliness and hand hygiene, are central to the control of hospital acquired infections, or HAIs, including drug-resistant organisms such as MRSA.

Policy in this area is set out in the strategy for antimicrobial resistance in Ireland, SARI. A SARI infection control sub-committee is revising national guidelines for the control and prevention of MRSA in hospitals and in the community. The guidelines cover a number of areas including physical cleanliness of the environment, hand hygiene, antibiotic stewardship programmes and availability of isolation facilities as well as screening and detection protocols. These guidelines are presently being considered by the Health Service Executive, HSE.

My Department has recently requested the director of the national hospitals office to ensure that effective infection control measures, including environmental cleanliness and hand hygiene, are in place in all hospitals. In addition, the chief medical officer of the Department is undertaking a comprehensive review of current policies and activities in this area.

The Deputy will be aware that operational issues in relation to the services provided by acute hospitals now rests with the HSE. The prevention and control of HAIs is a priority issue for the HSE. My Department understands that the director of the national hospitals office intends to carry out an external hygiene audit of hospitals this summer. The results of the audit are expected to inform the national standards for infection control and cleaning. The setting of specific targets for the reductions of HAIs will be considered by the HSE following this process.

### **Services for People with Disabilities.**

119. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children if her Department will consider providing additional speech therapy services to persons with learning difficulties; and if she will make a statement on the matter. [18546/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Demand for speech and language therapists was recognised in the Bacon report in 2002 where it was recommended that training places for speech and language therapists increase from 25 per year to 105 per year. In order to address the shortfall in supply, three new schools of speech and language therapy were opened in 2003, in the National University of Ireland in Galway and Cork and the University of Limerick. In addition, the numbers of training places in Trinity College, Dublin were increased.

I look forward to the end of this academic year when we will see the first graduates of these new courses, students who undertook an accelerated two year masters programme in University of

Limerick and to 2007 when we will see the graduates from the traditional degree programme from the Universities in Cork and Galway.

To meet the current demand for speech and language therapists, we rely heavily on the return of students who have studied abroad and also on an EU and non-EU work force. It is estimated that 20% of the current speech and language therapy work force comes from abroad.

In 2002 an additional grade of clinical specialist was introduced to speech and language therapy. This additional grade has many objectives including ensuring best practice and research in the profession. It is intended to review and develop this beneficial grade in the near future.

The Irish Association of Speech and Language Therapists has embraced the Sustaining Progress agenda and has produced a position paper for the introduction of programme assistants to the profession. It is believed that this skill mix will ensure the best use of scarce and valuable resources. I look forward to the establishment of this grade and a training programme for such programme assistants.

Despite the significant developments in speech and language therapy to date, it is widely accepted that there is further need to substantially enhance the numbers employed in the health and education sectors. Long waiting lists for services must become a feature of the past. The recently announced investment in the disability sector will be a significant step in moving towards a situation where those in need of this essential service receive it.

The national disability strategy provides a framework of positive action measures to support participation by people with disabilities in society. The strategy consists of four elements: the Disability Bill 2004; the Comhairle (Amendment) Bill 2004; six outline sectoral plans; and a commitment to a multi-annual investment.

The strategic review of services being undertaken by my Department is examining the significant level of service provision already in place, focusing on specific issues of concern to people with disabilities and their families and carers, together with statutory and voluntary bodies in this area, with an opportunity to input into the planning and delivery of services over the coming years.

The Government announced on budget day a special disability multi-annual funding package with a total value of close to €900 million over the years 2006 to 2009, which includes an allocation of €300 million out of the revised capital envelope to high-priority disability services. The amounts allocated for 2005 are €70.39 million and €34 million in respect of revenue and capital funding respectively.

In order to ensure that the various elements of this additional funding are targeted to meet the priority needs which have been agreed and, in particular, to meet the needs of those who are not currently in receipt of vital elements of service

provision, a protocol has been developed by my Department with the Health Service Executive to facilitate the monitoring of the specific investment programme in disability services under the national disability strategy.

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 speech and language therapy. Accordingly, my Department has requested the Health Service Executive's national director for primary, community and continuing care to investigate the matter raised and to reply directly to the Deputy.

### Hospital Services.

120. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the position regarding the 19 beds for Wexford General Hospital; and if she will make a statement on the matter. [18548/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Capital funding for the health service is now largely provided through the Health Service Executive in line with the capital investment framework 2005-09. This amounts to €564 million in 2005. I am awaiting further clarification from the HSE of certain non-capital funding issues. The provision of the additional 19 beds at Wexford General Hospital will be considered in this context.

### Departmental Programmes.

121. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when the capital funding from her Department will be announced; and if she will make a statement on the matter. [18549/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for the Health Service Executive, established on 1 January 2005, to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for progressing the bulk of the health capital programme in 2005 and in future years. The total capital provision for the health service, as announced earlier this year as part of the overall public capital programme, is just over €584 million.

Capital funding for the health service is now largely provided through the Health Service Executive in line with the capital investment framework 2005-09. This amounts to €564 million in 2005. I am awaiting further clarification from the HSE of certain non-capital funding issues.

The capital provision for my Department in the current year amounts to €20 million. This relates to direct funding by my Department for a small number of agencies such as BreastCheck, the Health Research Board, HIQA and the Adoption Board.

### Departmental Publications.

122. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of reports awaiting publication in her Department; the name of each such report; the length of time that has elapsed since each report was commissioned; the cost or projected cost of each report; the date on which each report will be published; and if she will make a statement on the matter. [18553/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested is being collated by my Department and will be forwarded directly to the Deputy as soon as possible.

### Health Services.

123. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of respite beds available in County Kildare; the number required; her plans to expand this service; and if she will make a statement on the matter. [18567/05]

**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 health services in County Kildare. 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.

### Housing Aid for the Elderly.

124. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 159 of 12 April 2005, if the community welfare officer has compiled his or her report under the housing aid for the elderly scheme for a person (details supplied) in County Clare; and if she will make a statement on the matter. [18574/05]

**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 housing aid scheme for the elderly in 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 as a matter of urgency and to reply directly to the Deputy.

### Smoking Ban.

125. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will revisit the smoking ban in view of smokers having to stand out in the cold and rain; if she will examine the proposal to designate smoking areas away from staff and non-smokers; and if she will make a statement on the matter. [18703/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** On 29 March 2004 most enclosed places of work became smoke-free. The primary purpose of this measure is to protect the health of workers and the public from exposure to toxic second hand tobacco smoke. The response to date across all sectors is very positive, with compliance at a very high level. The successful introduction of the new measure reflects the widespread public support and goodwill that exists for a clean smoke-free environment in the workplace.

Specifications for outdoor smoking shelters are provided for in the Public Health (Tobacco) (Amendment) Act 2004. A decision to provide an outdoor smoking shelter is a matter for the management of the premises concerned.

There are no plans to amend the smoke-free workplaces legislation.

### Hospital Services.

126. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children her proposals on recent developments with regard to ending the patients on trolleys issue at Beaumont hospital, Dublin 9; and the number of patients on trolleys at this hospital on 27 May 2005. [18704/05]

**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. Services at Beaumont Hospital are provided under an arrangement with the executive. My Department has requested the chief officer for the executive's eastern regional area to examine the issues raised and to reply directly to the Deputy.

### Nursing Education.

127. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the position regarding a new rule that will allow a person who has not qualified as a registered general nurse or as a registered midwife to become a public health nurse; and if she will make a statement on the matter. [18705/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The issue raised by the Deputy is a matter for An Bord Altranais, the statutory body charged with the regulation of the nursing and midwifery professions, including the setting of requirements and standards relating to the edu-

cation programmes for registration. Membership of the board is representative of all divisions of the register of nurses. I understand that the board decided at a recent meeting to establish a consultation process to examine the issue.

### Health Services.

128. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the reason the mobile health clinic serving Carbury County Kildare is to be discontinued in view of the medical service it provides to elderly persons on a weekly basis; if she will review this decision with a view to continuing the service; and if she will make a statement on the matter. [18706/05]

**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 health services in County Kildare. 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.

### Care of the Elderly.

129. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children if she will report on the progress being made regarding the provision of a specialised Alzheimer unit for St. Ita's Hospital, Newcastle West County Limerick. [18707/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** As the Deputy is aware, responsibility for the provision of health services in the Limerick area rests with the Health Service Executive mid western area in the first instance.

As part of the executive's responsibility to prepare and submit an annual service plan for the Tánaiste's approval, it is obliged under section 31 of the Act to indicate any capital plans proposed by the executive. In this process, the executive can be expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors.

Capital funding for the health service is now largely provided through the Health Service Executive in line with the capital investment framework 2005-09. This amounts to €564 million in 2005. I am awaiting further clarification by the Health Service Executive of certain non-capital funding issues.

130. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children her plans for the future of a home (details supplied) in County Galway; the plans her Department has received

from the Western Health Board; if those plans have been approved by her Department; the cost of the project; and if she will make a statement on the matter. [18708/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** As the Deputy will be aware, the Health Act 2004 provided for the Health Service Executive — HSE — which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the proposed developments at St. Brendan's, Loughrea.

The HSE western area has prepared a project planning brief for the development of a 40-bedded community nursing unit in Loughrea with expansion to 80 beds. This brief was prepared by a multi-disciplinary team and the group proposed a number of units based in the major population centres of Tuam, Loughrea and Ballinasloe as the east Galway centres as set out in the Western Health Board strategy called Health and Wellbeing for Older People. This proposal is included as part of the HSE's capital investment framework for 2005-09. As responsibility for the development of services now rests with the HSE, any decisions relating to this project will be a matter for the HSE having regard to the western area's overall capital funding priorities in the context of the HSE's service plan for 2005.

#### Home Help Service.

131. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the position regarding the case of a person (details supplied) in County Sligo; and if she will make a statement on the matter. [18709/05]

**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 1st 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 Sligo. Accordingly, my Department has requested the chief officer for the executive's north western area to investigate the matter raised and to reply direct to the Deputy.

#### Ambulance Service.

132. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the steps she will take to upgrade the ambulance service in the west of Ireland; and if she will make a statement on the matter. [18730/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Health Act 2004 provided for

the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of ambulance services. Accordingly, my Department has requested the chief officer of the executive's western area to investigate the matter raised and to reply directly to the Deputy.

#### Hospital Services.

133. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the steps she will take to upgrade services and facilities available in the County Hospital, Roscommon; and if she will make a statement on the matter. [18731/05]

**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 services at the County Hospital, Roscommon. 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.

134. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the steps she will take to upgrade services and facilities available in a hospital (details supplied) in county Galway; and if she will make a statement on the matter. [18732/05]

**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 services at the Portiuncula Hospital, County Galway. 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.

#### Tax Relief.

135. **Mr. Boyle** asked the Minister for Finance the way in which he plans to close the loophole by which luxury liners (details supplied) which generate massive revenue for their owners, can qualify for tax relief as plant and machinery; and if he will make a statement on the matter. [18474/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware, taxpayer confidentiality requires that a Minister for Finance does not



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answer a parliamentary question about the tax affairs of an individual or company, other than when the Deputy is asking the question on behalf of the individual or company. In this instance, it is not clear that this is the case and in the circumstances, I regret I cannot provide the specific information requested. I can however provide the Deputy with a general overview of capital allowances available for plant and machinery in the shipping sector.

Commercial ships have always qualified for capital allowances. A ship or a luxury passenger liner is an item of plant and machinery. If it is used in the purposes of a trade, it will qualify for capital allowances for plant and machinery. Capital allowances are given as a deduction in calculating trading profits in place of normal commercial depreciation of a business asset. This would apply to a lorry, a bus, a plane or any other such craft that is used for the purpose of a trade. The present general regime of capital allowances for plant and machinery is a write-off period of 12.5% per annum over eight years.

The tonnage tax regime was introduced in the Finance Act 2002 to help the Irish shipping sector. Along with other EU countries, the Irish shipping sector was faced with the possibility of Irish shipping companies relocating their economic activities to other countries, including countries which already had a tonnage tax regime. Several EU countries had introduced special low tax regime known as tonnage tax under which the tax is paid by reference to the tonnage of the ships.

Individual lessors are prohibited from obtaining the capital allowances which would otherwise be available in respect of capital expenditure on plant or machinery used in a company's tonnage tax trade. The tonnage tax system currently applies in 12 EU countries, including Ireland, and the tonnage tax regimes for these EU countries have had to be cleared with the European Commission for state aid purposes. The European Commission is conscious of the need to protect the EU shipping sector and took this key objective into account when approving the tonnage tax regimes including Ireland's.

#### **Standards in Public Office Commission.**

136. **Mr. Bruton** asked the Minister for Finance his views on whether the Standards in Public Office Commission should be provided with the authority to appoint inquiry officers on their own initiative rather than being able to do so only on foot of a complaint; and if he will make a statement on the matter. [18654/05]

**Minister for Finance (Mr. Cowen):** The Standards in Public Office Commission — the standards commission — has been in existence since December 2001. It replaced the Public Offices

Commission, which was established in November 1995.

During that period, I am not aware that the standards commission or its predecessor made any formal proposal to my Department that the ethics legislation — that is, the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 — should be changed to facilitate the appointment of inquiry officers in the situations envisaged by the Deputy.

I am satisfied that the powers of the standards commission, as they stand, are ample to meet public concerns in the field of standards in public life. I feel it is reasonable that at least a formal complaint to the standards commission should be required to commence the inquiry process, which, in itself, can carry serious consequences for the person under investigation.

I would find it difficult to accept that the appointment of inquiry officers would be justified in circumstances where a formal complaint had not been made to the standards commission from one of the numerous categories of persons, including members of the public and any public representative, entitled to do so against the persons and office holders against which complaints can be made.

If Deputies are aware of any potential issues with implications for ethics and standards in public life then they should, as provided for in the legislation, make a complaint to the standards commission. If a matter is of sufficient public importance or substance to warrant an inquiry, it must surely be of sufficient importance to warrant at least a formal complaint from one of the numerous categories entitled to do so — including the general public and every office holder and public representative.

#### **Departmental Publications.**

137. **Mr. Kehoe** asked the Minister for Finance the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18554/05]

**Minister for Finance (Mr. Cowen):** There is currently one report awaiting publication in my Department. The report is entitled “Public Awareness Research of the National Development Plan and Community Support Framework 2000-2006”, which was commissioned from Drury Communications in September 2004 and cost €33,680. It is expected that the report will be published shortly.

#### **Decentralisation Programme.**

138. **Mr. Durkan** asked the Minister for Finance the incentives or inducements which are being offered to civil and public servants in con-

nection with the Government's decentralisation programme; if this is in line with indications outlined initially; and if he will make a statement on the matter. [18687/05]

**Minister for Finance (Mr. Cowen):** The programme of decentralisation will be implemented through the transfer of staff on a voluntary basis. There will be no redundancies and, as on previous occasions, the payment of removal or relocation expenses will not arise. However, consultations will be held with the public service unions on an ongoing basis to address the concerns of all staff affected by the programme.

#### **Decentralisation Programme.**

139. **Mr. Durkan** asked the Minister for Finance the number of civil or public servants who have so far agreed to relocate in accordance with the Government's programme on decentralisation; the intended locations; and if he will make a statement on the matter. [18688/05]

**Minister for Finance (Mr. Cowen):** The results published following the closure of the priority period for applications for decentralisation, 7 September 2004, showed that 8,958 applications were received during the priority period, of which 4,813 were from people currently located in Dublin. Of these, 8,152 were from civil servants, 4,236 of whom are based in Dublin. The central applications facility, CAF, continues to accept applications and will do so for the foreseeable future. Over 750 new applications have been received since 7 September 2004. The Public Appointments Service has undertaken an intensive operation to liaise with applicants to ensure that their applications are both valid and accurate.

#### **Price Inflation.**

140. **Mr. Durkan** asked the Minister for Finance the action he will take to address the issue of price hikes not reflected in the CPI but which contributes greatly to a lack of competitiveness in the economy; and if he will make a statement on the matter. [18689/05]

**Minister for Finance (Mr. Cowen):** The compilation of the consumer price index is a matter for the Central Statistics Office. The Deputy might note, however, that whether on a CPI basis or on the EU harmonised index of consumer prices, inflation in Ireland is at the lower end of the EU scale. With regard to competitiveness, I have dealt with this issue in other replies to the Deputy.

#### **Tax Yield.**

141. **Mr. Durkan** asked the Minister for Finance the extra taxation accruing to the Exchequer arising from price hikes reflected in the CPI and from price increases not reflected in the CPI; and

if he will make a statement on the matter. [18690/05]

**Minister for Finance (Mr. Cowen):** Revenue receipts depend on the rate of tax, the volume of transactions and the monetary value of those transactions. It is normal for tax revenues to rise when consumer spending rises and this, in turn, represents the favourable economic climate being fostered by the Government. This reflects extra revenue from existing levels of tax and, as such, the returns of tax revenue are not broken down in the manner desired by the Deputy.

#### **Drainage Schemes.**

142. **Mr. Durkan** asked the Minister for Finance if his Department have received communications from Kildare County Council with a view to the initiation of a drainage programme for the Prosperous, Timahoe, Coill Dubh, Allenwood, Robertstown and Rathangan areas of County Kildare; and if he will make a statement on the matter. [18691/05]

**Minister of State at the Department of Finance (Mr. Parlon):** No communication has been received in the OPW from Kildare County Council about the implementation of a drainage programme for the Prosperous, Timahoe, Coill Dubh, Allenwood, Robertstown and Rathangan areas of County Kildare.

#### **Garda Stations.**

143. **Mr. Durkan** asked the Minister for Finance the extent to which finality has been achieved in the project to provide the much promised and long awaited new Garda station at Leixlip, County Kildare; if all the administrative or technical obstacles have been satisfactorily resolved; and if he will make a statement on the matter. [18692/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The OPW is awaiting formal confirmation of a decision by Kildare County Council on the disposal of a plot of land adjacent to the site of the proposed new Garda station in Leixlip and of the terms and conditions attaching to it. Providing the terms and conditions attached to the disposal of the site are acceptable to the OPW, a revised sketch scheme reflecting the expanded development site can be issued to the Department of Justice, Equality and Law Reform for approval.

#### **Disabled Drivers.**

144. **Mr. Durkan** asked the Minister for Finance the progress in regard to his proposals for the implementation of recommendations contained in the report of the interdepartmental study group on the disabled driver-disabled passengers tax concession regulation 1994; and if he will make a statement on the matter. [18693/05]

**Minister for Finance (Mr. Cowen):** The disabled drivers and disabled passengers tax concessions scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect from the local Health Service Executive. Where the issue of the required certificate is refused, this can be appealed to the disabled drivers medical board of appeal, an independent body, whose decision is final. The medical criteria for the purposes of the tax concessions under this scheme relate to six different types of disablement and a qualifying person must satisfy one or more of them.

An individual who obtains a primary medical certificate qualifies for remission or repayment of vehicle registration tax, VRT, 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 convened to review the operation of the scheme. The terms of reference of the group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, both on an administrative and user level, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The group's report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also makes a number of recommendations, both immediate and long-term, encompassing the operation of the appeals process and options for the future development of the scheme.

Following the report's immediate recommendations concerning the appeals process, amendments to the regulations governing the scheme were made by my predecessor in July 2004 and by me in April 2005 to improve the operation of the appeals process. These amendments included providing for an expansion of the panel of medical practitioners serving on the medical board of appeal from three to ten. This will substantially reduce the waiting time for appellants.

In respect of the long-term recommendations, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance will consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

This Government is committed to supporting and reinforcing equal participation in society by people with disabilities. I remind the Deputy that disability was one of the priority areas where I substantially increased investment in budget 2005. Any changes to this scheme will be considered in the context of the overall development of policy in this area.

#### **Departmental Revenues.**

145. **Mr. Durkan** asked the Minister for Finance the estimated or other revenues accruing to the Exchequer from toll charges on the M50 and East Link bridges; and if he will make a statement on the matter. [18694/05]

**Minister for Finance (Mr. Cowen):** As regards the M50 West Link bridge, the National Road Authority's share of the toll receipts is paid to the Department of Transport as an appropriation-in-aid. It, therefore, contributes to funding that Department's expenditure on transport services and investment. The Department of Transport received €8 million in 2004 from this share of toll receipts and it expects to receive €11.8 million in 2005.

As regards the East Link bridge, the Exchequer does not receive any non-tax revenue from this toll. A portion of the toll charge from the East Link bridge goes to Dublin City Council and the Dublin Port Authority, who currently receive approximately €800,000 and €1.1 million respectively per annum.

With regard to the VAT on tolls, the position is that application of VAT on such charges is governed by the EU law with which Irish VAT law must comply. Toll charges are subject to the standard VAT rate of 21%. I am informed by the Revenue Commissioners that it is not possible to provide a separate estimate of the VAT yield for each toll bridge. However, they have estimated that VAT yield accruing to the Exchequer from toll charges on both of these bridges was €10.5 million in 2004 and will be in the region of €12.5 million for 2005.

#### **Decentralisation Programme.**

146. **Mr. Durkan** asked the Minister for Finance the number of civil and public servants on a county basis who have been relocated in accordance with the Government's programme for decentralisation; and if he will make a statement on the matter. [18695/05]

**Minister for Finance (Mr. Cowen):** The report of the decentralisation implementation group, DIG, of 19 November 2004 set out 15 organisations to be included in an early movers group and a further group of six possible early movers with a range of indicative dates for decentralisation of third quarter 2006 to third quarter 2008. In line with this there have been no staff moves to the above decentralisation locations to date.

The number of posts to be decentralised on a county basis from my Department and from

agencies under the aegis of my Department are set out in the following table.

County	Location	Organisation	No. of posts
Clare	Kilrush	Revenue Commissioners	50
Cork	Kanturk	OPW	100
	Youghal	Valuation Office	100
	Youghal	Public Appointments Service	100
	Listowel	Revenue Commissioners	50
Kildare	Athy	Revenue Commissioners	250
	Kildare	Revenue Commissioners	379
	Kildare	Dept of Finance	34
Limerick	Newcastle West	Revenue Commissioners	50
Meath	Trim	OPW	349
Mayo	Claremorris	OPW	150
Offaly	Tullamore	Dept of Finance	131
Waterford	Dungarvan	Ordnance Survey Ireland	210

### Tax Code.

147. **Mr. Durkan** asked the Minister for Finance the tax concessions he proposes to offer to producers of biofuels; and if he will make a statement on the matter. [18696/05]

**Minister for Finance (Mr. Cowen):** Section 50 of the Finance Act 2004 provided for the introduction of a scheme for excise tax relief for biofuels. The purpose of the provision was to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel.

It was necessary to obtain approval from the EU Commission as the proposed scheme represented a state aid. Approval was granted in March 2005 and the scheme was subsequently advertised by the Department of Communications, Marine and Natural Resources. It is currently progressing applications and it is envisaged that the Minister for Communications, Marine and Natural Resources will shortly make recommendations to me for excise relief for biofuel schemes.

### Tax Yield.

148. **Mr. Durkan** asked the Minister for Finance the extent to which extra revenue has accrued to the Exchequer from higher oil prices; and if he will make a statement on the matter. [18697/05]

**Minister for Finance (Mr. Cowen):** The taxation of motor fuel is made up of two elements, mineral oil excise and VAT. The amount of mineral oil excise collected is based on the volume of motor fuel sold, in this case the number of litres of petrol or diesel sold. The revenue collected from mineral oil excise does not fluctuate with price changes. Therefore, assuming there is no change in the volume sold, the increase in tax revenue arising from increases in the cost of motor

fuels will correspond to an increase in VAT revenue.

Accordingly, I am informed by the Revenue Commissioners that the increase in VAT revenue arising during 2004 due to movement in national average retail prices for petrol and auto diesel is estimated at €22.9 million and €2.9 million respectively. These estimates are based on provisional volume clearances during the calendar year 2004. It should be noted that the VAT content of auto diesel purchases is a deductible credit for business in the Irish VAT system.

### Tax Code.

149. **Mr. Durkan** asked the Minister for Finance his proposals to reduce taxation on fuels used by the road transport and haulage sector; and if he will make a statement on the matter. [18698/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will be aware, changes in taxation are made in the context of the annual budget and, accordingly, any requests made regarding changes in tax rates are considered in the period leading up to the budget. The Deputy will appreciate that it is neither practical nor prudent to adjust tax rates between budgets. However, it should be noted that Ireland's mineral oil tax on petrol and diesel is below that of our main EU trading partners.

150. **Mr. Durkan** asked the Minister for Finance the extent to which tax incentives are currently available to producers of alternative energy; the extent to which he is prepared to improve on this situation; and if he will make a statement on the matter. [18699/05]

151. **Mr. Durkan** asked the Minister for Finance the taxation inducements he has to encourage the production of wind energy; and if he will make a statement on the matter. [18700/05]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 150 and 151 together.

There is currently in place a scheme of tax relief for corporate investment in certain renewable energy projects, including those successful in the alternative energy requirement competitions. To qualify for the relief the energy project must be in the solar, wind, hydro or biomass technology categories, and be approved by the Minister for Communications, Marine and Natural Resources. The relief is capped at the lesser of 50% of all capital expenditure or €9.525 million for a single project. Investment by a company or group is capped at €12.7 million per annum, and unless the shares are held for at least five years by the company the relief will be withdrawn.

Section 39 of Finance Act 2004 extended the qualifying period for the relief to 31 December 2006. This section was subject to EU state aid approval which issued on 20 August 2004.

152. **Mr. Gregory** asked the Minister for Finance if a person whose gross salary in 2004 was €79,000 and whose gross salary in 2005 is €82,000 will have a reduced net take home pay after tax and PRSI reductions. [18701/05]

**Minister for Finance (Mr. Cowen):** I assume that the Deputy is referring to a single employee who is liable for full rate PRSI deductions and has the personal tax credit and PAYE credit only. For 2004, such an employee earning €79,000 had a net take home pay of €51,416. For 2005, such an employee earning €82,000 will have a net take home pay of €53,614. The increase in net take home pay is €2,198 or 4.27%. The figures are rounded to the nearest euro.

#### Liquor Licences.

153. **Mr. Moloney** asked the Minister for Finance the number of liquor licences and full seven day licences renewed for the year ended 30 September 2004 at the various turnover levels and the licensed outlets per county renewed to 30 September 2004. [18702/05]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the information requested is not readily available. However, I have asked the Revenue Commissioners to forward all relevant information to the Deputy within a matter of weeks.

#### EU Funding.

154. **Mr. Naughten** asked the Minister for Finance the steps he is taking in order that the national development plan is fully implemented in the BMW region; and if he will make a statement on the matter. [18740/05]

**Minister for Finance (Mr. Cowen):** The Deputy will be aware that investments under the national development plan are delivered through a number of operational programmes which are directly managed and implemented by Depart-

ments, the regional assemblies or other agencies. The responsibility of my Department is to ensure that resources are made available to meet the Government's objectives and to secure full draw-down of Ireland's allocation of Structural Funds.

All Departments have been asked to ensure that the investment objectives for the BMW region are prioritised. It is my objective that as major projects are completed more funds will become available over the remainder of the NDP for investment in the BMW region so that progress can be made on rectifying the existing imbalance.

Overall progress on delivering the NDP has been improving with some €36.2 billion of expenditure incurred nationally at the end of December 2004. This compares with €28 billion of expenditure at the end of December 2003. With respect to expenditure in the BMW region, total expenditure reported to the operational programme monitoring committees at their April meetings amounted to some €12.3 billion or nearly 78% of profiled expenditure for the period January 2000 to December 2004. In 2004 just over €1 billion was spend on the key economic and social infrastructure programme in the BMW region. This represented 96% of projected expenditure for the year 2004.

Total expenditure achieved nearly 90% of projected levels for the period January 2000 to December 2004. In the national roads programme €168 million more was spent in the BMW region in 2004 than in 2003. This attests to the continued significant improvement in investment in the region. In the housing programme, expenditure in the BMW region from January 2000 to December 2004 reached 120% of projected expenditure for the period. Expenditure on the health programme over the same period amounted to 99% of forecast.

155. **Mr. Naughten** asked the Minister for Finance the steps he is taking to implement Objective One in transition in the BMW region; and if he will make a statement on the matter. [18741/05]

**Minister for Finance (Mr. Cowen):** Under proposals advanced by the European Commission, EU regions will be eligible for Structural Funds under three objectives. The convergence objective will be broadly similar to the current Objective One, with regions having GDP *per capita* below 75% of the EU-25 average eligible for the highest level of support. The regional competitiveness and employment objective covers all regions not eligible for the convergence objective. A third objective aims to support cross-border and transnational co-operation. Transitional arrangements are proposed for regions which are eligible for Objective One support under the current round of Structural Funds but, because of natural growth, are not eligible for such support after 2006. The BMW region will be eligible for

this transitional support under the regional competitiveness and employment objective.

The draft regulations for the Structural Funds programming period for 2007-13 provide that the Council will adopt strategic guidelines addressing the key challenges for the Community and providing linkages with other Community policies. Following adoption and publication of these guidelines, each member state will prepare a national strategic reference framework on its development strategy for the Structural Funds. This framework will outline the thematic and regional programmes which the member state proposes and will be agreed with the Commission before operational programmes are adopted in late 2006 or early 2007. Unlike previous rounds, a national development plan will not need to be prepared by member states.

The Commission has prepared a draft of the strategic guidelines and have had initial consultations with member states and other partners in advance of adoption by the Council later this year. Preliminary preparations for the national strategic reference framework are being undertaken by the Department of Finance in consultation with other key Departments and the Commission. Development of operational programmes will begin later this year with a view to presentation to the Commission for agreement by the end of 2006.

#### Departmental Surveys.

156. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18555/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** It has not been possible, in the time available, to compile all of the information as required by the Deputy. My Department will forward a comprehensive reply directly to the Deputy as soon as possible.

#### EU Regulations.

157. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources further to Parliamentary Question No 170 of 17 May 2005 the differential calculation system for fees for oil tankers under the EU Regulation 2978/94; and if he will make a statement on the matter. [18573/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Council Regulation (EC) No 2978/94 of 21 November 1994 deals with the implementation of International Maritime Organisation Resolution A.747(18) on the application of tonnage measurement of ballast spaces

in segregated ballast oil tankers. This regulation aims at encouraging the use of segregated ballast tanks in oil tankers. For this purpose, it introduces a differential calculation system for fees for oil tankers to be applied by port and harbour authorities and by pilotage authorities.

Article 5 of the regulation provides that, when assessing fees for oil tankers, these authorities shall exclude the tonnage of the segregated ballast tanks of an oil tanker so as to base their calculations on the reduced gross tonnage of the vessel. Alternatively, these authorities shall ensure that the fee for an oil tanker falling within the scope of the regulation is at least 17% lower than the fee for a tanker without segregated ballast tanks of the same gross tonnage.

#### Natural Gas Grid.

158. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the steps he is taking to roll out the gas network throughout the BMW region; and if he will make a statement on the matter. [18737/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Expansion of the gas network is entirely a matter for the Commission for Energy Regulation and the companies involved in gas transmission, distribution and supply. I have no function in this matter.

#### National Grid.

159. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the steps he is taking to roll out the electricity network throughout the BMW region; and if he will make a statement on the matter. [18738/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The rolling out of the electricity network throughout the BMW region is an operational matter for ESB networks and ESB national grid.

The ESB has advised me that the following has been invested in its network in the BMW region — Donegal €102 million; Sligo-Leitrim, €144 million; Cavan-Monaghan, €50 million; and Louth €30 million. A number of major 110 kV line projects were completed in the region between 2000 and 2003. A number of other major projects are already underway in Cashla-Oldstreet, Flagford-Srannanagh, Connemara, Donegal North West, Flagford-Tonroe and Westport.

#### Energy Resources.

160. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the steps he is taking to promote the use of bio-fuels; and if he will make a statement on the matter. [18739/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** My Department is responsible for the promotion and development of renewable energy including bio-

[Mr. N. Dempsey.]

fuels and I am committed to the development and promotion of a biofuels market in Ireland's transport fuel sector.

In March 2004, my Department secured an amendment to the Finance Act 1999, which provides for the introduction of a pilot scheme for mineral oil tax relief for biofuels which is essential to a pilot project designed either to produce biofuel or test the technical viability of biofuel for use as motor fuel.

A scheme under the Act has been agreed between my Department and the Department of Finance and received state aids clearance from the Commission in March 2005. Under the scheme, mineral oil tax relief may be granted for pilot projects producing up to 6 million litres of pure plant oil, 1 million litres of biodiesel and 1 million litres of bioethanol.

The scheme was publicly advertised as a competitive call for proposals on 20 April 2005 and the closing date for receipt of applications was 13 May 2005. The proposals are currently being assessed by my Department and Sustainable Energy Ireland. It is therefore anticipated that my Department will be in a position to make recommendations to the Department of Finance shortly. The scheme is an initial measure designed to stimulate market development. Sustainable Energy Ireland, SEI, was established under the Sustainable Energy Act 2002, to promote and assist in the sustainable production, supply and use of energy, in support of Government policy. A number of SEI research, development and demonstration programmes are currently in operation across all sectors of the economy addressing these strategic objectives.

SEI is also funding a number of biomass projects and studies through its renewable energy research development and demonstration programme. Under the programme, Sustainable Energy Ireland offers capital grant aid for biofuels market demonstration projects in the pure plant oil, biodiesel and bioethanol categories. Funding of €250,000 has already been awarded by SEI to one company which is demonstrating the feasibility of producing and selling vegetable oil locally as a transport fuel. It is intended that further grant aid will be available under the programme for biofuel demonstration projects.

It is anticipated that these initial measures will lead to market penetration of biofuels of 0.13% within two years. Further measures to increase market penetration over a longer timeframe are currently being considered.

A liquid biofuels strategy study was published by SEI in December 2004. This report provides comprehensive details on the potential for the development of a biofuels market in Ireland and options to stimulate the market, and these are currently being considered in detail by my Department with a view to further developing the biofuels market in Ireland.

### Overseas Development Aid.

161. **Mr. J. Higgins** asked the Minister for Foreign Affairs if he has a revised timetable for meeting the UN target for overseas development aid of 0.7% of GNP given that the Government has admitted that it will not meet its original timetable of reaching the target by 2007. [18526/05]

162. **Mr. J. Higgins** asked the Minister for Foreign Affairs the way in which he proposes to meet the UN target for overseas development aid of 0.7% of GNP in view of the fact that for the last three years the percentage of GNP going to overseas development aid has fallen from 0.41% to 0.39%. [18527/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** I propose to take Questions Nos. 161 and 162 together.

The allocation for 2005 provides for an increase of €70 million in Government spending on official development assistance this year. This will bring total Government aid to the developing world to approximately €545 million in 2005, the highest allocation in the 30 year history of the aid programme. In addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007. These very substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. As a result, Ireland will maintain its position as one of the world's leading aid donors on a per capita basis. This three year multi-annual commitment, incorporating very substantial annual increases, gives my Department a sound basis to carry forward the long-term planning which is so important for development work.

The Government remains strongly committed to achieving the UN target for expenditure on ODA. The issue of how best to meet the target, and in what timeframe, is under ongoing review.

### Visa Applications.

163. **Mr. Haughey** asked the Minister for Foreign Affairs the average length of time it takes to process applications for holiday visas in Irish embassies and offices abroad; if an application by a person (details supplied) in the Irish Embassy in Bangkok will be expedited; and if he will make a statement on the matter. [18528/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Department of Foreign Affairs processes visa applications at its overseas missions in accordance with guidelines issued by the Department of Justice, Equality and Law Reform.

In the case of certain categories of visas, the Department of Foreign Affairs has delegated sanction to issue visas without reference to the Department of Justice, Equality and Law Reform. Where a visa application falls under delegated sanction, applications are normally approved either on presentation of the application or within three to ten working days,

depending on the volume of processing work which a mission may have at any given time.

Where the application does not come within this Department's delegated sanction, the application is forwarded for decision to the Department of Justice, Equality and Law Reform. In these cases, the processing time is approximately six to eight weeks at present.

In the case which is the subject of the Deputy's inquiry, the application was only made to our honorary consulate in Bangkok on Wednesday, 25 May. As honorary consulates may not themselves approve visa applications, the application was forwarded by the consulate to our embassy in Kuala Lumpur and was received there on Thursday, 26 May.

As the application falls within the Department's delegated sanction, the embassy in Kuala Lumpur will process the application shortly. The applicant will be informed as soon as a decision has been reached.

### Overseas Development Aid.

164. **Mr. Quinn** asked the Minister for Foreign Affairs if, as part of the tsunami aid delivery programme, it is planned to give money directly to any Government in the region; the Governments to which he intends to offer funding; the amounts to be offered; the preconditions required of the relevant Governments before moneys will be transferred; and if he will make a statement on the matter. [18543/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** There is no plan on the part of the Government to provide direct funding to any of the Governments in the region affected by the tsunami disaster.

Ireland's funding is being committed through UN agencies such as the World Food Programme, the World Health Organisation and the United Nations Children's Fund; through international organisations such as the Red Cross family and the International Organisation for Migration; and through Irish and international NGOs who have the capacity to deliver on the ground. The programmes, which organisations are operating, are in line with the national strategies for recovery that have been developed by the Governments of the affected countries. Almost all of the €20 million allocated for the tsunami disaster has either been disbursed or is currently in the process of being allocated.

### Fairtrade Products.

165. **Mr. Quinn** asked the Minister for Foreign Affairs the systems in place in Development Co-operation Ireland to ensure that fair trade products are used within that department in as many areas as possible; if he will provide examples of products purchased by his Department which fall under the fair trade system; the advocacy activities he has engaged in to influence other Depart-

ments to engage in fair trade purchasing; and if he will make a statement on the matter. [18544/05]

171. **Mr. Gormley** asked the Minister for Foreign Affairs if his Department uses identical criteria to other Government Departments when seeking to obtain food and beverage products. [18714/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 165 and 171 together.

Like all Departments, the Department of Foreign Affairs uses the Department of Finance public procurement guidelines for all significant purchases. As the purchase of food and beverage products generally falls below EU threshold values, the criteria for low value requirements contained in the guidelines are applied.

The Fairtrade Mark is an independent assurance that producers in developing countries receive a fair price for their products. It provides a vital opportunity for producers in the poorest developing countries to access international markets on fair terms of trade and also for people in Ireland to make a practical contribution to improving the conditions of producers in developing countries.

I am glad to confirm that Fairtrade products, such as tea and coffee, are used in the Department of Foreign Affairs, where feasible, including at events organised for visiting dignitaries. I fully support the objectives of the Fairtrade campaign and would encourage my colleagues to use Fairtrade products where possible.

The Deputy may also wish to note that Development Co-operation Ireland has a proactive fair trade policy. Since 1996, Development Co-operation Ireland has been making grant aid available to Fairtrade Mark Ireland, the national fair trade labelling organisation. In 2004, Fairtrade Mark Ireland received a grant of €40,994 and grants totalling €410,000 for the period 2005 to 2007 have been approved under the development education grants scheme to support their main activities. These activities include: promoting the concept of fair trade with businesses and consumers; promoting development education activities; and raising public awareness, in particular through the Fairtrade Fortnight, the Fair Trade Towns Initiative and a new Fair Trade Africa Festival.

In addition, funding of €567,000 over the three-year period 2003-05 is being provided to promote access to fairly traded marketing options for coffee cooperatives in Honduras, Guatemala and Nicaragua. Funding is also provided through the Fairtrade Labelling Organisation, FLO International, which operates through its regional liaison office based in El Salvador.

Funding of €187,000 over three years is also being provided by Development Co-operation Ireland to Del Campo, a Fairtrade certified cooperative, to support small grain producers in Nicaragua to process and market a variety of products including sesame seed.



### Departmental Publications.

166. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of reports waiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18556/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** There are currently seven reports scheduled to be published shortly by the Department of Foreign Affairs.

The annual report on developments in the European Union in 2004, which is drafted under the terms of the EU (Scrutiny) Act 2002 is expected to be published within the coming weeks. The report will cost approximately €12,000.

The Department's strategy statement 2005 to 2007 is due to be submitted to the Government in the near future. Arrangements will then be made to publish the document on the Department's website and in hard copy, probably in June and July respectively. The publication cost will be approximately €8,000. The Department's audit committee is expected to publish its report for 2004 by July 2005. The projected cost is €3,600. Development Co-operation Ireland's annual report will be published in July 2005. The projected cost is €40,000.

In 2003, Development Co-operation Ireland concluded multi-annual partnership agreements with Christian Aid, GOAL, Self Help Development International and Trócaire under which the Government provides €117 million over three years. An evaluation of this scheme began earlier this year and should be completed by the end of June 2005. A report is expected to be ready for publication by October 2005. The cost will be about €43,000.

An expenditure review report on support for education in Uganda and Zambia 2000 to 2003 was commissioned in March 2004 and will be published later this month. The cost of producing the report will be about €26,000.

An evaluation report on the Zambia country programme strategy 2003 to 2005 was commissioned in February 2005 and it is expected to be published by the end of June 2005. The cost of producing the report will be about €80,000.

### Foreign Conflicts.

167. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the Basque basic democratic agreement and table for accord initiative. [18710/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Basque country has extensive autonomous rights in areas including taxation, education, health and policing, in accordance with Spain's 1978 constitution, which provides for the devolution of power to the 17 autonomous communi-

ties or regions. In December 2004, the Basque regional parliament approved a plan proposed by the Basque Prime Minister, Juan Jose Ibarretxe, to replace the existing autonomy agreement for the region, which dates from 1979, with a new agreement which would give the Basque country the status of free association with Spain. Under the terms of the plan, the Basque country would gain almost total control of the internal financial and judicial systems, and the right to foreign representation. Mr. Ibarretxe's plan would also allow the people of the Basque country to decide by referendum whether they wished to remain a part of Spain. This plan was rejected by the Spanish Parliament in February this year. However, Prime Minister Zapatero at the same time indicated his Government's willingness to discuss a new statute for the Basque country. I should add that following regional elections on 17 April 2005, a new Basque government has yet to be formed. Mr. Ibarretxe's government continues on a caretaker basis pending the formation of a new government.

In a separate development, on 5 March 2005 a group of Basque organisations, including Bata-suna and a number of Basque political parties, trade unions and cultural organisations, signed the Basque basic democratic accord to resolve the Basque conflict. Batasuna has been included on the EU list of terrorist organisations since June 2003 on the basis that it is an alias of ETA. In recent weeks, a group of 15 representatives has formed the table for accord to consult with political parties and civil society on a way forward for the Basque country on the basis of the Democratic accord.

On 17 May 2005, the Spanish Parliament approved a resolution proposed by the Spanish Government authorising it to enter into dialogue with the Basque separatist group ETA, which has been included on the EU's list of terrorist organisations since 27 December 2001. The resolution makes it clear that the focus of the dialogue will be on bringing an end to violence, stating that terrorism is totally incompatible with democracy and that violence cannot yield a political reward.

The resolution requires ETA to renounce violence before the process of dialogue can begin and states that ETA has no other prospect than to dissolve itself and to lay down its arms. As regards the discussions on the wider political issues, the resolution stresses the principle of engaging solely with the legitimately elected representatives of the Basque people. All those who have the interests of the Basque people at heart will hope that these moves will lead to early progress in the resolution of the issues in question.

168. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on the jailing of a Bata-suna leader by the Spanish authorities; if the Spanish Government's ongoing policy of criminalisation of the Basque independence movement and the exclusion of their democratically elected political leadership will further set back efforts to

establish a Basque-Spanish peace process.  
[18711/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the arrest, and subsequent release on bail, of the Batasuna spokesman Arnaldo Otegi. Mr. Otegi has been charged with membership of ETA, which, as the Deputy will be aware, has been included on the EU list of terrorist organisations since 27 December 2001. By a unanimous decision of the EU member states, Batasuna was added to this list on 4 June 2003. In taking this decision, the Council was satisfied that Batasuna was a terrorist organisation and that it was an alias of ETA. As I understand it, ETA remains engaged in a campaign of violence, and neither ETA nor Batasuna has committed itself to peaceful and democratic means of pursuing their objectives.

Before its designation by the EU, Batasuna was proscribed in Spain following a vote of the Spanish Parliament on 26 August 2002 and a decision of the Spanish Supreme Court on 17 March 2003. As a proscribed organisation, it was not permitted to participate in the regional elections in the Basque country on 17 April 2005.

On 17 May 2005, the Spanish Parliament approved a resolution proposed by the Government authorising it to enter into dialogue with ETA. The resolution makes it clear that the focus of the dialogue will be on bringing an end to violence. It states that terrorism is totally incompatible with democracy and that violence cannot yield a political reward. The resolution requires ETA to renounce violence before the process of dialogue can begin and states that ETA has no other prospect than to dissolve itself and to lay down its arms. As regards the discussions on the wider political issues, the resolution stresses the principle of engaging solely with the legitimately elected representatives of the Basque people.

All who have the interests of the Basque people at heart will hope that these moves will lead to early progress in the resolution of the issues in question.

#### **UN Special Envoy.**

169. **Mr. Gormley** asked the Minister for Foreign Affairs his recent activities as special envoy for UN Secretary General Kofi Annan; and if he will make a statement on the matter. [18712/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** Deputies will be aware that preparations are well advanced for the summit that will take place at the United Nations next September, at which Heads of State and Government will seek to restore momentum to the achievement of the millennium development goals, agree on reforms that will strengthen the system of collective security based on the United Nations, enhance the human rights function of the United Nations and reform its institutions and management structures. It is a central priority for the Government

to do what it can to promote the success of the summit.

I was honoured to have been appointed by UN Secretary General, Kofi Annan, as one of five envoys to act on his behalf in encouraging Governments to take the decisions necessary to ensure a satisfactory outcome at the September summit. The appointment is an indication of the esteem in which Ireland is held by the Secretary General and of its track record of commitment to the United Nations.

As envoy, my task is to make the case for the broad package of recommendations and reforms set out in the UN Secretary General's recent report, *In Larger Freedom*. In doing so, I am working with the Secretary General and UN members to overcome the obstacles and challenges that confront the reform agenda, which the Secretary General has described as "bold but achievable".

I have been asked by the Secretary General to focus my efforts on Europe. However, none of the envoys is confined in their activities to any one geographic area and I have recently undertaken a number of bilateral meetings, as envoy, with colleagues from a range of Latin American and Arab states.

The work of the envoys is vital to the preparatory process as it is evident that success in September will require Governments to step back from hitherto entrenched positions and take decisions in the wider interest of all members and the multilateral system that serves them. The work that the envoys are carrying out with Governments is intended to complement the dialogue and debate in which members' delegations in New York are engaged, under the guidance of the President of the General Assembly.

I commenced my series of envoy visits shortly after my appointment by the Secretary General on 4 April and my subsequent briefing of EU colleagues at the Informal Meeting of EU Foreign Ministers held on 15 and 16 April. I have subsequently met a number of Foreign Ministers, including those from within the European Union, as well as High Representative Javier Solana and External Relations Commissioner Ferrero-Waldner. I gave an updated briefing to partners at the General Affairs and External Relations Council on 23 May.

To date, I have travelled to capitals to meet my counterparts from Belgium, Italy, San Marino, Switzerland, Denmark, the Netherlands, Serbia and Montenegro, Slovenia, Austria and Spain.

In my capacity as envoy, I addressed the Council of Europe Summit, held in Warsaw on 16 and 17 May. On 18 May, I met the President and Foreign Minister of Poland. I also took the opportunity to confer with the Foreign Ministers of Andorra, Armenia, Azerbaijan, Georgia and Liechtenstein. I further conferred with my fellow envoy, President Vike-Freiberga of Latvia. On 17 May, I also gave the opening statement at the meeting of the Foreign Policy Club at the Centre

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for International Relations. In my statement I set out the case for the reforms necessary to ensure that the United Nations is able to act effectively in the maintenance of international peace and security, the promotion of human rights and the promotion of economic and social progress.

As envoy, I addressed the meeting of the Euro-Atlantic Partnership Council, hosted by Sweden, in re, on 24 May. At the Council meeting, I took the opportunity to meet the Foreign Ministers of Sweden, Albania and the Former Yugoslav Republic of Macedonia, and the US Under Secretary of State.

The European Union held an extensive and substantive discussion with its Latin American partners on the preparations for the September summit at the EU-Rio Group meeting held on 27 May. At the invitation of the Presidency, I briefed the meeting on my role as envoy and discussed the prospects of, and priorities for, a successful outcome from the summit. As envoy, I also had interesting and useful meetings with my Argentinian and Chilean colleagues.

The European Union also discussed UN reform and the September summit with its Mediterranean partners at the seventh Euro-Mediterranean ministerial meeting on 30 May. As envoy, I addressed the meeting and discussed the preparation of the summit with the Foreign Ministers of Egypt, Algeria, Syria and the Palestinian Authority. Further meetings are planned for the coming weeks.

Today in New York, I will have meetings with the UN Secretary General, the President of the General Assembly and the other envoys where we will take stock of the current situation and discuss the preparation of the summit. The President of the General Assembly is expected to publish proposals in the coming days which will form the basis for future consideration by the member states.

The Deputy will understand that I am not in a position to comment on the contents of my meetings with my Foreign Minister colleagues. I have undertaken to convey the views expressed in my meetings to the UN Secretary General in strict confidence. The effectiveness of my mission, and that of the other envoys, demands that the exchanges remain confidential. I can confirm that the meetings to date have been productive and informative and of value to the Secretary General and his support team.

#### **Nuclear Disarmament Initiative.**

170. **Mr. Gormley** asked the Minister for Foreign Affairs if he will report on the EU-Iran nuclear discussions; and if he will make a statement on the matter. [18713/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Parliamentary Question No. 253 of 31 May.

Negotiations on the Iranian nuclear programme between Iran and France, Germany and

the UK, supported by the High Representative for the Common Foreign and Security Policy, resulted in an agreement signed in Paris in November 2004 on nuclear issues and future co-operation. Under this agreement, which was endorsed by the European Council last December, Iran, *inter alia*, reaffirmed that it does not and will not seek to acquire nuclear weapons and committed itself to full transparency and co-operation with the IAEA. Iran, moreover, decided to voluntarily suspend all enrichment and reprocessing activities and to invite the IAEA to verify and to monitor the suspension. The agreement further provided for negotiations on a long-term agreement, which will cover political and security issues; technology and co-operation; and nuclear issues.

A steering committee to launch these negotiations met for the first time in December 2004 and established working groups on political and security issues, technology and co-operation, and nuclear issues. Under the terms of the Paris Agreement, the steering committee receives progress reports from the working groups and identifies projects and-or measures that can be implemented in advance of an overall agreement. The working groups met most recently on 19 April in Geneva and the steering committee met on 29 April in London.

At the meeting of the IAEA Board of Governors last March, France, Germany and the United Kingdom issued a joint statement in which they gave their preliminary assessment of the negotiations with Iran. They indicated that the negotiations have allowed for an extensive exchange of views, notably on ways to provide objective guarantees that Iran's nuclear programme is exclusively for peaceful purposes, as stipulated in the Paris Agreement. The two sides have discussed long-term arrangements for co-operation between the EU and Iran in the political and security area, as well as in the economic and technological field. They have also explored the prospects for mutually acceptable arrangements for Iran's nuclear programme, which would provide objective guarantees that it could not be used for military purposes. In reiterating their commitment to the negotiation process, France, Germany and the United Kingdom stressed that it is essential that confidence be maintained through the continued implementation in good faith of all aspects of the Paris Agreement.

In recent weeks, such confidence was undermined when Iran issued statements that suggested that it would recommence some activities covered by voluntary suspension. France, Germany and the United Kingdom, in response, wrote to Iran and called for a ministerial-level meeting, which took place on 25 May in Geneva. At a subsequent press conference, the UK's Foreign Secretary, Jack Straw, commented that the two sides had a thorough discussion within the framework of the Paris Agreement. He indicated that the European side would make detailed proposals to Iran by the end of July or the beginning

of August, in the context of the Paris Agreement remaining in force. During the meeting the European side again recognised Iran's rights to nuclear energy for peaceful uses under Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, NPT, exercised in conformity with its non-proliferation obligations under the treaty, without discrimination, while Iran reaffirmed its commitment not to seek nuclear weapons.

*Question No. 171 answered with Question No. 165.*

#### **Human Rights Issues.**

172. **Mr. M. Higgins** asked the Minister for Foreign Affairs his views on the vindication of rights claimed and upheld by a person (details supplied) under Article 8 of the European Convention on Human Rights, and Article 1 of Protocol No. 1 to that convention; if the Government has been contacted with reference to their issue; and if he will offer assistance in this matter. [18715/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Deputy is referring to an application lodged with the European Court of Human Rights, which a chamber of the court declared admissible in a decision dated 6 April 2005.

My Department is aware of this case. It should be noted, however, that the court's decision on admissibility was made without prejudice to the merits of the case. These will be examined by the court and a determination will be made in due course. It would not, therefore, be appropriate for me to make any comment on the application. The Government does not propose to offer assistance in this case.

173. **Mr. M. Higgins** asked the Minister for Foreign Affairs his views on the practice of the US State Department in designating specific countries of particular concerns; and if he supports this process as it pertains to Turkmenistan. [18716/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** From time to time, the US Department of State designates specific countries as being "of particular concern" within the meaning of the United States' International Religious Freedom Act 1998. This Act requires the State Department to submit an annual report to congress describing the status of religious freedom throughout the world. The designation process, under which countries of concern are subject to actions which may include US economic sanctions, is a policy matter for the United States Government. A decision was taken not to designate Turkmenistan in the annual report for 2004 on the grounds, I understand, that the status of government respect for religious freedom, from a legislative perspective and in practice, improved during the period covered by the report. The threat of designation was considered to have been effective in prompting some improvements.

The European Union remains seriously concerned about the situation of human rights in Turkmenistan. A draft resolution, tabled jointly by the European Union and the United States, was adopted by the United Nations General Assembly in December last year. While welcoming some limited improvements, including the increased ability of certain religious minority groups to practice their religion, Resolution No 59/206 expressed grave concern at continuing serious human rights violations in Turkmenistan. The repression of all political opposition parties and continued restrictions on freedom of thought, conscience, religion and belief are among the list of violations of human rights singled out in the resolution.

The European Union continues to monitor closely the human rights situation in Turkmenistan, including the area of religious freedom. The European Union will continue to press the Government of Turkmenistan to ensure respect for human rights and fundamental freedoms and to co-operate fully with the human rights mechanisms of the United Nations and with the Organisation for Security and Cooperation in Europe, OSCE.

#### **EU Funding.**

174. **Mr. F. McGrath** asked the Minister for Foreign Affairs if there are EU grants available for a project (details supplied); and if he will give the maximum advice and assistance on this matter. [18717/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The idea in question might be pursued with the Directorate General for Development of the European Commission, which is responsible for preparing EC policies in the development co-operation area, and with EuropeAid, which is the Commission's implementing body for EC policies. Details of the website of the European Commission are as follows: [www.europa.eu.int/comm/development/index-en.htm](http://www.europa.eu.int/comm/development/index-en.htm).

#### **Foreign Conflicts.**

175. **Mr. F. McGrath** asked the Minister for Foreign Affairs the position regarding the conflict in Columbia and the efforts to develop a peace process there. [18718/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government has been following closely the ongoing developments in the peace process in Colombia. Ireland, along with its European Union partners, supports the Colombian Government in its search for a negotiated solution to the conflict. The most recent statement of Irish and European Union policy in this regard is set out in the conclusions of the General Affairs and External Relations Council of 13 December 2004.

In the Colombian peace process, an essential element is the need for a comprehensive legal framework for the process of disarmament,

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demobilisation and reintegration of the illegal armed groups, based on the principles of truth, justice and reparation. This was emphasised in the Cartagena Declaration which was adopted at a meeting on international support for Colombia on 3-4 February 2005 in Cartagena, at which Ireland was represented. The Colombian Government has since then introduced a justice and peace Bill in the Colombian Congress, which it argues will provide such a framework.

At the recent 61st session of the United Nations Commission on Human Rights in Geneva, Ireland, together with our EU partners, worked actively on negotiating the text of the chair's statement on the situation of human rights in Colombia adopted by the Commission. The final statement reiterated the commission's support to the Government of Colombia in its search for a negotiated solution to the internal armed conflict including through direct engagement with those illegal armed groups who may be prepared to cease all hostilities and undertake a constructive and significant peace process, and welcomed the efforts and achievements to date of the Government in this regard. The commission also expressed grave concern at the situation of human rights and international humanitarian law in Colombia.

Of the main illegal armed groups, neither the FARC nor the ELN have, at the present time, agreed to cease their military activities, kidnappings and other illegal actions and to enter into negotiations for a peaceful resolution of the conflict. There are indications that the FARC has stepped up its military actions. The right wing paramilitary group, AUC, has agreed to a ceasefire and there have been ongoing negotiations between them and the Government about disbanding. There have, however, been serious concerns that elements of the AUC are not complying with their obligations and commitments under the negotiations to cease all military activities.

My Department will continue to monitor the situation in Colombia, and particularly the progress of the justice and peace Bill, through our Embassy in Mexico City, as well as in co-operation with our EU partners with resident embassies in Colombia.

#### **Abbey Theatre.**

176. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the reason the move of the Abbey Theatre to a dockland location was not appropriate five years ago when it was deemed that a new location should be looked for; the reason it is an appropriate location now; and if he will make a statement on the matter. [18538/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Although a number of sites, including one in the Docklands area, were considered some years ago for the redevelopment of the Abbey, the conclusion reached at that stage,

taking all factors into consideration, was that it was preferable to proceed at the existing location in Abbey Street. However, it subsequently emerged that the additional property needed to make redevelopment at the existing location feasible could not be acquired at a reasonable cost and within an acceptable timeframe, and the decision was taken to examine other options. A site in the Docklands is now being considered in that context.

177. **Mr. Wall** asked the Minister for Arts, Sport and Tourism his views on a report (details supplied) that 1 Granby Row was unsuitable for a relocation of the Abbey Theatre; the reason the report was not ordered before a price was looked for; if his attention had been drawn to the costs of repair and restoration of Coláiste Mhuire; if so, the extent of the costs; and if he will make a statement on the matter. [18539/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** In searching for a location on which to redevelop the Abbey Theatre, the Office of Public Works identified the site of the former Coláiste Mhuire, if combined with 1 Granby Row, as a potential solution. However, when it emerged that 1 Granby Row could not be acquired for what was considered a reasonable price, the report in question was commissioned to review whether there was any way that the space available without Granby Row could be made to work. The conclusion of this report was negative. Construction costs can only be calculated in detail after a site is finally identified, and a design prepared for the relevant site.

#### **Departmental Publications.**

178. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18557/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** There are no reports awaiting publication in my Department.

#### **Sports Capital Programme.**

179. **Mr. Naughten** asked the Minister for Arts, Sport and Tourism the number of valid applications received by his Department under the 2005 sports capital programme from Counties Roscommon, Galway and Leitrim, respectively; when he will publish the allocation of funding under the programme; and if he will make a statement on the matter. [18743/05]

**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. A total of 1,362 applications received before that deadline, including 100 from County Galway, 32 from County Roscommon and 23 from County Leitrim.

All of the applications received are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed. My Department will then write to unsuccessful applicants enclosing a copy of their assessment.

#### Research Funding.

180. **Ms Harkin** asked the Minister for Enterprise, Trade and Employment the spend in research and development involving both public and private funding in the BMW region and the south and east region for 2003 and 2004. [18547/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The following table shows data available to the managing authority for the productive sector operational programme and includes both public and private spending through the research and development programmes under the aegis of six Departments included in the operational programme. The Departments involved are Enterprise, Trade and Employment, Education and Science, Agriculture and Food, Communications, Marine and Natural Resources, Environment and Local Government, and Community, Rural and Gaeltacht Affairs. Public and private spending on research and development:

Table

Public and Private spending on R&D.

2003			2004		
BMW €41m	S & E €258m	Total €299m	BMW €49m	S & E €313m	Total €362m

#### Departmental Publications.

181. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18558/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** There is one report awaiting publication in my Department. The Expert Advisory Group Report on Bullying in the Workplace will be submitted to Government in June 2005 and is expected to be published thereafter. The former Minister of State with responsibility for labour affairs, Deputy Fahey, announced the establishment of the advisory group in August 2004. The 2005 Estimates of the Department provide for €20,000 to pay for the costs associated with the report.

#### Research Funding.

182. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the status of his Department's consideration of the applications for the national institute for bioprocessing research and training; when he will make a decision on the applications; and if he will make a statement on the matter. [18719/05]

**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. While I may give general policy directives to the agency I am precluded under the relevant legislation from giving directives regarding individual undertakings or from giving preference to one area over others.

On 23 July 2004, IDA Ireland, through a series of newspaper advertisements, invited proposals from collaborative groups of academic institutions to undertake the establishment of the national institute for bioprocessing research and training in Ireland. A detailed invitation specification document was issued to prospective applicants which outlined the background, the needs to be addressed, required elements, outputs-deliverables expected, criteria for adjudication and the proposal content details to be submitted.

Proposals were received from three consortia by the closing date of 15 October 2004 and a panel of international experts reviewed the quality, value and impact of the proposed activity on 15 November 2004. The panel's evaluation report, which recommends that IDA, in the first instance, negotiate with the consortium led by UCD, with Trinity College, Dublin and Sligo Institute of Technology as partners, was considered by the board of IDA Ireland on 8 December 2004. They agreed to proceed to the next stage in the process and commence negotiations as recommended by the panel.

I understand that these negotiations are well underway and are dealing with the wide range of substantive issues and recommendations identified in the evaluation report, which were considered by the international experts to be necessary for the successful establishment of the institute. Needless to say, the issue of location will be an integral part of this negotiation process. A proposal was considered by the board of IDA Ireland in May 2005. I understand that a formal

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proposal is being prepared for submission to my Department, following due consideration of which I will present a memorandum to Government for a final decision on the matter in due course.

### Job Creation.

183. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the steps he is taking to locate 50% of IDA jobs in the BMW region; and if he will make a statement on the matter. [18720/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland, including its regions and areas. IDA Ireland is committed to regional development as a core part of its strategy and has set itself a high-level performance target for the BMW region. This commits IDA Ireland to try to achieve a target of 50% of all new greenfield jobs to be located in the region in the period 2000-06.

Substantial progress has been made in attracting new jobs to the BMW given that in 1999, prior to the start of the Government's current national development programme, only some 25% of all new greenfield jobs were located in the region. By 2004, a total of 41% of all new greenfield jobs created by IDA supported companies were located in the BMW region.

IDA Ireland operates within the framework of the national development plan and the national spatial strategy and is committed to the development of all regions of the country. IDA Ireland has built partnerships in the regions to enhance the environment for doing business. This requires co-operation with local authorities, local development bodies, utility providers, third level colleges and private developers.

Through its network of regional offices, the agency offers high quality property solutions on its flagship industrial and business parks to prospective investors. The agency seeks to attract high quality investments in key sectors such as medical technologies, pharmaceuticals and software and many examples of such investments have located in the BMW region. The agency also seeks to underpin the competitiveness of existing overseas companies located in the BMW by encouraging them to move up the value-chain into higher-value products and services and into higher-order functions such as research and development.

While I am confident that the strategies in place in IDA Ireland are appropriate for the attraction of FDI to Ireland and its regions, the agency has been asked to keep this strategy under review.

### County Enterprise Boards.

184. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the steps he is taking to develop the county enterprise board investment programmes in the BMW region; and

if he will make a statement on the matter. [18721/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** There are 13 county enterprise boards operating in the BMW region. These boards deliver the micro-enterprise measure under the BMW regional operational programme 2000-06. The specific types of county enterprise board, CEB, assistance available to micro-enterprise from the measure is broken down between: measure 1 project support expenditure, including grants for feasibility studies, employment grants and capital grants; and measure 2 soft supports activities such as business advice, management and e-commerce training, enterprise education and programmes aimed at assisting and promoting women in business.

I have allocated total Exchequer funding of over €10.8 million to the CEBs in the BMW region for the current year. This represents an increase of nearly 7% on the 2004 allocation. The CEBs apply this funding to fund their activities in support of micro-enterprise, that is businesses with less than ten employees. Their function is to develop indigenous enterprise potential and to stimulate economic activity at local level. In providing support to enterprises, the CEBs are required to have regard to the quality, local relevance, cost effectiveness and viability of proposals. They must also seek to avoid supporting projects that would displace existing jobs or businesses. In this regard, the boards are required to give priority to manufacturing and internationally traded services companies, which over time may develop into strong export entities.

I am satisfied that the level of funding provided is sufficient to ensure that boards should be in a position to provide an appropriate level of assistance to any good quality projects that present.

### Job Creation.

185. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the steps he is taking to increase the level of Enterprise Ireland's supported jobs in the BMW region; and if he will make a statement on the matter. [18722/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The issue of job creation is a day-to-day operational matter for the industrial development agencies under my remit, and not one in which I have a direct role. Enterprise Ireland, the agency with primary responsibility for developing indigenous industry, has at its core the objective of supporting and stimulating balanced regional development, in line with the vision set out in the national spatial strategy, and to maximise national resources allocated under the national development plan.

Enterprise Ireland's policy objectives for balanced regional development are reflected in the structure of its funding offer. For example, funding for existing company expansion is biased towards the BMW region. The maximum grant level is higher than in Dublin and the mid-east and a higher proportion of this funding is also

non-repayable. Since 2000, 18,062 new jobs have been created in Enterprise Ireland client companies located in the BMW. In 2004, 4,305 jobs, or 36% of all new jobs created in Enterprise Ireland client companies, were in the BMW region.

In 2004, Enterprise Ireland supported 163 significant investment projects. Of these, 51 investments were in projects located in the BMW region. The investment in these projects will result in increased employment, productivity and export sales in these companies over the coming months and years.

Through Enterprise Ireland, State support for entrepreneurship is clearly focused on the ongoing creation of new entrepreneur-led business entities. Over the past 15 years Enterprise Ireland has supported over 500 such companies, which today employ 9,216 people and which, in 2004, had a cumulative turnover of €1.2 billion. Of the high potential start-ups, HPSUs, that Enterprise Ireland supports, 20% are located in the BMW region. The BMW region has increased its level of HPSUs in line with other regions.

Enterprise Ireland's new strategy 2005-07 entitled, *Transforming Irish Industry*, which I launched on 4 May 2005, places a strong emphasis on increasing even further the number of new start-ups in the regions outside of Dublin and increasing the growth rate of these companies. Specific deliverables have been set out in the strategy in terms of export growth, achieving substantially increased levels of applied research in Irish firms, and driving entrepreneurship to deliver greater numbers of new high growth companies with strong export potential and increased employment opportunities to every region of the country. In addition, Enterprise Ireland has undertaken a complete re-engineering of its overseas network and marketing supports, both in terms of business process and organisation structure, with a clear focus on client need. Enterprise Ireland provides a range of supports to companies in the BMW region who wish to expand through increased export activity. Through its network of 33 international offices, Enterprise Ireland assists companies to create and implement successful strategies for market entry, development and growth.

#### **Social Welfare Benefits.**

186. **Mr. McCormack** asked the Minister for Social and Family Affairs if he will consider eliminating the anomaly whereby a person giving full-time care to an invalid is means tested on all of an income from an English pension of approximately €100 per week when in the normal course of events there is an exemption income of €270 per week; and if he will make a statement on the matter. [18540/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The carer's allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full time care and attention and whose incomes fall below a certain limit.

As with other social assistance schemes, a means test is applied to the carer's allowance to

ensure that limited resources are directed to those in greatest need. The income of both the applicant and his or her spouse or partner is assessable as means in determining entitlement.

Under existing legislation, social security payments made by other jurisdictions are not disregarded when determining means for carer's allowance purposes. This measure ensures equality between recipients of Irish social welfare payments and applicants who receive a foreign welfare payment. It also upholds the general rule that only one weekly social welfare payment is payable to an individual. I have undertaken to keep all schemes that involve supports and benefits to carers under review and to examine ways of increasing and expanding services. In that context, the query raised by the Deputy will be included.

#### **Pension Provisions.**

187. **Mr. McCormack** asked the Minister for Social and Family Affairs his plans to introduce regulations to allow widows who have no other income except the widow's pension to qualify for the free schemes; and if he will make a statement on the matter. [18541/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The household benefits package, which comprises the electricity or gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who satisfy a means test.

The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. People aged over 70 years of age can qualify regardless of their income or household composition. Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse. A range of proposals, including that of the Deputy, has been made to extend the free schemes to other groups. These are kept under review in the context of the objectives of the scheme and budgetary resources.

#### **Departmental Publications.**

188. **Mr. Kehoe** asked the Minister for Social and Family Affairs the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18559/05]

**Minister for Social and Family Affairs (Mr. Brennan):** There are eleven reports awaiting publication by my Department. The information requested by the Deputy regarding these reports is as follows:



**[Mr. Brennan.]**

Name: Profiling the Unemployed: An Analysis of the Galway and Waterford Live Register Surveys.

Commissioned: 24 September 2001.

Cost: €33,429.

Expected date of publication: This report is due for publication within the next six weeks.

Name: Statistical Information on Social Welfare Services 2004.

Commissioned: This report is published annually by the Department.

Cost: €6,753.

Expected date of publication: July 2005.

Name: Developing a Fully Inclusive Social Insurance Model: A Review by Social Partners of Pointers to Reform Social Insurance in a Changing Work and Social Context.

Commissioned: The FISIM report reflects the work of two working groups that were established to review the social insurance system and ensure it continues to meet the social protection needs of a changing society. The first group was established under the terms of the Programme for Prosperity and Fairness. It first met in May 2002 and adjourned during the Sustaining Progress partnership discussions. The group was reconstituted following a provision in Sustaining Progress and concluded its work in December 2004.

Cost: €1,754.

Expected date of publication: June 2005.

Name: Multidimensional Analysis of Trends and Living Standards for Specific Groups.

Commissioned: January 2003.

Cost: €76,897.

Expected date of publication: August or September 2005.

Name: Attitudes Towards Long Term Care of the Elderly.

Commissioned: July 2004.

Cost: €76,230.

Expected date of publication: Second half of 2005.

Name: EU Survey on Income and Living Conditions 2003. Commissioned: 2004.

Cost: €77,324.

Expected date of publication: Autumn 2005.

Name: Report to the European Commission Evaluating the National Action Plan against Poverty and Social Exclusion 2003-2005.

Commissioned: February 2005.

Costs: Standard administrative overheads.

Expected date of publication: June 2005.

Name: Review of qualifying condition for Old-Age Contributory Pension and Retirement Pension — Phase 2.

Commissioned: February 2001.

Costs: €6,095.

Expected date of publication: Quarter four 2005.

Name: Review of the Back to Education Allowance Scheme. Commissioned: June 2003.

Costs: €28,410.

Expected date of publication: Quarter three 2005.

Name: Review of application of the unemployment benefit and assistance schemes conditions to workers who are not employed on a full-time basis.

Commissioned: June 2003.

Costs: €38,292.

Expected date of publication: Quarter four 2005.

Name: Review of supplementary welfare allowance phase 2. Commissioned: January 2005.

Costs: No external costs.

Expected date of publication: Quarter four 2005.

### **Special Awards Scheme.**

189. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if he will work with other Departments in supporting a project (details supplied) in Dublin 5 financially; and the maximum advice and assistance on funding. [18661/05]

#### **Minister for Social and Family Affairs (Mr.**

**Brennan):** I was pleased to fund the group in question last year under a special awards scheme to mark the tenth anniversary of the International Year of the Family. This scheme was designed to facilitate voluntary and community groups around the country on a once-off basis to mark the tenth anniversary by holding particular events which would contribute to increasing the awareness of families at local level. Over 750 groups around the country benefited from funding under the scheme.

The special awards scheme was specifically designed to mark the tenth anniversary of the International Year of the Family and came to an end last year. Depending on the nature of any such application, the question of funding from my Department or other relevant agencies would be considered in the normal way.

### **Road Openings.**

190. **Mr. Gormley** asked the Minister for Transport the reason the Government's planned road openings Bill has been shelved; his plans to deal with the continuing problem of road openings and the needs for co-ordination for the utilities on this issue; and if he will make a statement on the matter. [18521/05]

**Minister for Transport (Mr. Cullen):** Legislation regarding road openings is contained in a number of enactments including, mostly recently, the Communication Regulation Act 2002, which provides the statutory framework for the control of road openings by telecommunications operators.

As part of ongoing efforts to improve the co-ordination and management of road openings, a utilities and statutory bodies working group, USBWG, was established in 2001, under the auspices of the Dublin Transportation Office, to facilitate the development of services using the road network within the context of proper road

and traffic management, road maintenance programmes, and the effective and efficient allocation of space underneath roads for services. The group has sought to identify the key areas where changes or improvements are required, and to produce guidelines that facilitate the effective management of road openings.

The group includes representatives of the Department of Environment, Heritage and Local Government, the Department of Communications, Marine and Natural Resources, the Department of Transport, local authorities, IBEC's telecom and Internet federation, and representatives from major utilities. The group has, to date, issued guidelines to local authorities on the standardisation and streamlining of procedures relating to applications for road opening licences.

A review of the operation of controls on road openings carried out within my Department in 2003 indicated that a key issue was the need to improve the co-ordination and day to day management of road openings. In light of this and the

work of the USBWG, a wider revision of legislation to deal with road openings generally is not proposed at this time.

#### Departmental Publications.

191. **Mr. Kehoe** asked the Minister for Transport the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18560/05]

**Minister for Transport (Mr. Cullen):** The information sought by the Deputy concerning commissioned reports is set out in the following table. Other reports including, for example, the Department's annual report, and air and rail accident investigation reports, are prepared internally. A second report of the railway safety task force, chaired by the Department, was commissioned in 2002. It was prepared internally and is under consideration in the context of the proposed public transport ten-year investment plan.

Nature of Report	Date Commissioned	Publication Date	Total Cost
Review and Development of Investment Appraisal and Monitoring Systems	November, 2004	Within next few weeks (following completion)	€122,000 (ex VAT)
Review of delays and increased costs of the Glen of the Downs Road Improvement Project (N11)	September, 2004	July, 2005	€35,000
Report on an appropriate fares system for Dublin and related issues regarding integration of fare systems on different modes eg. Bus and rail	2002	The subject of the report is still under consideration as it is part of the wider public transport reform agenda which is subject to on-going consultation. A date for publication has therefore not been set.	€154,000

#### Rail Network.

192. **Mr. Naughten** asked the Minister for Transport the steps he intends to take to upgrade the rail network in the BMW region; and if he will make a statement on the matter. [18734/05]

**Minister for Transport (Mr. Cullen):** Since 2000, significant improvements have taken place on infrastructure and services in the BMW region. In the coming days, Iarnród Éireann will begin to take delivery of a fleet of 36 new diesel railcars, most of which will operate on the Dublin to Sligo route. These railcars will be used to increase the reliability and frequency of services on this route.

In addition, continuous welded rail on concrete sleepers has been put in place on the whole main-line rail network, including those lines serving the BMW region. Iarnród Éireann is currently undertaking a network resignalling project on most of its intercity routes.

The new signalling system on the Galway line was completed in 2003, the Sligo line will be completed later this year and work will begin, early in 2006, on the line from Athlone to Westport and Ballina, finishing in 2007. At that point, all track work and signalling of railway lines serving

the BMW region will be of the highest international standards.

To complete the transformation of the rail network, the company will take delivery of a fleet of 120 intercity railcars, beginning in mid-2007. These railcars will operate on routes serving, among others, Galway, Westport and Ballina. Their introduction to service will allow Iarnród Éireann to begin hourly and two-hourly frequencies on almost all of its intercity routes.

Proposals for the future upgrade and development of the rail network are being considered in the context of the multi-annual investment framework for transport, which is being prepared by my Department at present.

#### Air Services.

193. **Mr. Naughten** asked the Minister for Transport the steps he is taking to improve air access into the BMW region; and if he will make a statement on the matter. [18735/05]

**Minister for Transport (Mr. Cullen):** The Border, midlands and western region is served by four regional airports providing the region with a range of air services on domestic and UK routes. My Department provides funding in support of

[Mr. Cullen.] regional air access under three separate but complementary programmes.

I recently announced that, following an EU public tender process, contracts to provide scheduled air services on the six public service obligation, PSO, regional air routes have been secured by Aer Arann and Loganair. Aer Arann has been awarded contracts to continue operating scheduled services on routes linking Dublin with the regional airports in Galway, Kerry, Sligo and Donegal. Loganair has been awarded the contract for the operation of routes linking Dublin with Knock and City of Derry airports.

The PSO services enable passengers, particularly business passengers, to make same-day return journeys to and from Dublin. The programme also facilitates onward access to and from the many international destinations currently served by Dublin Airport.

Earlier this year, I announced the next round of capital funding for the regional airports under the regional airports measure of the national development plan. The measure involves the provision of grant assistance for improvements and upgrades in facilities in order to maintain continued safe and viable operations. It is expected that up to €9.5 million will be invested in the four regional airports in the BMW region between now and 2007. This is in addition to the €7.875 million already invested in the BMW airports since 2002, under the NDP and other capital grant schemes.

My Department allocates over €2 million annually to the six regional airports towards operational expenditure incurred on marketing, safety and security. The 2005 allocations under this particular scheme are currently being considered. The continuation of Government support for regional airports and regional air access will have a positive impact on regional development through increased economic activity, tourism and employment.

#### Dublin Port Tunnel.

194. **Mr. F. McGrath** asked the Minister for Transport the reason the Dublin Port tunnel is

now running €200 million above the projected cost; and the timescale on completion. [18742/05]

**Minister for Transport (Mr. Cullen):** The construction of the Dublin Port tunnel, including contractual matters related thereto, is a matter for the National Roads Authority and Dublin City Council. I understand from the NRA that the current estimated cost of the Dublin Port tunnel is €751 million, including price variation, as against an estimated cost at tender stage of €580 million — at 2000 prices, excluding provision for price variation in line with construction inflation indices.

The increase is mainly due to the operation of the price variation clause over the period since tender receipt in 2000 to date, with a limited number of other factors, such as higher than anticipated land settlements, impacting on the updated overall project cost.

I also understand that the primary construction work on the port tunnel is expected to be completed in December 2005 and that the tunnel will be open to traffic as early as possible in 2006, following commissioning of the tunnel's operations and safety features.

#### Departmental Publications.

195. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18561/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The details of reports where there is an intention of publication in my Department are set out in the following appendix. For the sake of completeness, I can inform the Deputy that, in addition, my Department's annual report 2004, and statement of strategy 2005-07 are in preparation internally and are expected to be completed and published by the end of June 2005.

Name	Date Commissioned	Cost or Projected Cost	Projected Date of Publication
Staidéar Teangeolaíoch ar Úsáid na Gaeilge sa Ghaeltacht	Aibreán 2004	€550,223	Deireadh Fómhair 2006
Report of the Steering Group on the Mid-Term review of the National Drugs Strategy	Mid-2004	€74,431 (paid to consultants). Total cost of publication not yet known	June 2005
Expenditure Review of the Local Drugs Task Forces	June 2004	€79,618 (paid to consultants). Total cost of publication not yet known.	Not yet known
Athbhreithniú Caiteachais ar na Scéimeanna Feabhsúcháin sa Ghaeltacht	Meitheamh 2004	€35,000 (measta)	Mí Iúil 2005
Tuarascáil Tionscnaimh an Aire Gnóthaí, Pobail, Tuaithe & Gaeltachta (faoi Alt 5 d'Acht na dTeangacha Oifigiúla 2003) maidir le hoibriú an Achta sin.	—	Is tuarascáil inmhéanach a bheidh le leagan faoi bhráid Títhe an Oireachtais amháin atá i gceist agus dá bhrí sin ní bheidh ach costas ainmniúl i gceist.	Meán Fomhair 2005

### Grant Payments.

196. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 28 of 25 May 2005 and her subsequent discussions with the Agriculture Commissioner; the response which she has received; and if she will make a statement on the matter. [18529/05]

200. **Mr. Naughten** asked the Minister for Agriculture and Food the value on a county basis of the outstanding moneys under the SBP; the number of herd owners involved in each county; and if she will make a statement on the matter. [18659/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 196 and 200 together.

As the Deputy is aware, I am seeking a solution to the difficulties for Irish farmers as a result of the overshoot of the 2004 special beef premium scheme quota. I have raised the issue with the Agriculture Commissioner and her officials on a number of occasions during recent meetings. My Department forwarded a detailed submission to the European Commission dealing with this matter last month. The matter has been discussed with the commissioner's cabinet and with the most senior officials of the European Commission.

Arrangements are currently being made for an early meeting between my officials and the various services of the Commission's DG for agriculture. All aspects of the difficulties encountered by Irish farmers, and all possible solutions, will be explored during these discussions.

Work is ongoing on the processing of applications lodged under the 2004 special beef premium scheme, with a view to establishing definitively the extent of the quota overshoot at an early date. This involves computer processing and, where errors or inconsistencies are highlighted in such validation, those cases require individual attention. Therefore, given the volumes of applications involved, it will take further time to establish the definitive level of quota overshoot, as ineligible animals and animals applied on in excess of each applicant's stocking density limit of 1.8 livestock units per hectare will have to be excluded from the overshoot calculation.

All farmers with query animals and with rejected animals will have to be written to by my Department and given an opportunity to submit observations before a final decision in their cases. It is not possible, therefore, at this stage to put a value on residual payments due under the 2004 special beef premium scheme, in advance of the definitive position being established regarding the extent to which the national quota has been exceeded.

### Departmental Publications.

197. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of reports awaiting publication in her Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if she will make a statement on the matter. [18562/05]

**Minister for Agriculture and Food (Mary Coughlan):** There are no commissioned reports awaiting publication in my Department. Internally generated reports awaiting publication include the statement of strategy 2005-07, annual review and outlook 2004-05, and the CMMS statistics report 2004. There are a number of reports, at various stages of preparation, which will require endorsement-approval at departmental, ministerial and Government levels, as appropriate, prior to arrangements being made for their publication in due course.

### Disadvantaged Areas Scheme.

198. **Mr. Naughten** asked the Minister for Agriculture and Food the value on a county basis of the 2004 disadvantaged area payments; and if she will make a statement on the matter. [18657/05]

**Minister for Agriculture and Food (Mary Coughlan):** The following table shows the numbers of farmers and amounts paid on a county basis under the 2004 disadvantaged areas scheme.

Area based compensatory allowances — 2004 schemes.

County	No. of farmers paid	Total amount paid
Carlow	745	1,744,083
Cavan	4,921	10,830,548
Clare	6,203	15,592,679
Cork	7,038	18,036,513
Donegal	8,084	19,883,493
Dublin	123	288,838
Galway	12,337	27,244,754
Kerry	7,625	20,144,775
Kildare	432	939,464
Kilkenny	1,747	4,264,503
Laois	1,630	3,663,237
Leitrim	3,521	8,030,136
Limerick	2,886	6,315,874
Longford	2,456	5,487,386
Louth	723	1,336,087
Mayo	11,928	25,922,749
Meath	1,248	2,612,896
Monaghan	4,084	8,067,429
Offaly	2,296	5,050,560
Roscommon	5,876	12,887,606
Sligo	4,105	9,008,415
Tipperary	4,341	10,598,740

County	No. of farmers paid	Total amount paid
Waterford	1,413	3,471,174
Westmeath	2,509	5,628,975
Wexford	1,369	2,843,566
Wicklow	1,699	4,670,483
Totals	101,339	234,564,963

### On-Farm Checks.

199. **Mr. Naughten** asked the Minister for Agriculture and Food the minimum notice which a person must receive prior to an on-farm inspection under cross compliance; and if she will make a statement on the matter. [18658/05]

**Minister for Agriculture and Food (Mary Coughlan):** EU regulations provide that on-the-spot checks which involve eligibility checks and identification and registration of animals checks shall be unannounced. However, provided the purpose of the control is not jeopardised, advance notice may be given, strictly limited to the minimum period necessary. Such notice shall, except in duly justified cases, not exceed 48 hours. Where cross compliance checks do not involve eligibility checks and identification and registration of animal checks, the Department will give 14 days' advance notice.

*Question No. 200 answered with Question No. 196.*

### Garda Stations.

201. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform the number of Garda stations which were on 24 hour, seven days a week service in Counties Cavan and Monaghan in 1997; the number giving that service in May 2005; and if he will make a statement on the matter. [18523/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that 11 Garda stations in Counties Cavan and Monaghan were open on a 24-hour basis in 1997. The corresponding number of stations open on a 24-hour basis in the above areas, in May 2005, is six. The decision to reduce the opening hours of some of the stations in Cavan and Monaghan was taken by Garda management which continuously monitor and review policing arrangements and operational strategy. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible Garda service is provided to the general public.

The extension of the current opening hours to 24 hours to Garda stations would necessitate the employment of Garda personnel on indoor administrative duties. As I recently explained to the Select Committee on Justice, Equality and Women's Rights, on the 2004 Estimate debate, for every person behind the counter in the public office on a 24-hour basis, it means the deploy-

ment of 5.2 gardaí in three shifts, overtime relief and the like. These are issues which require a good deal of effective management to ensure we get front-line policing rather than token policing by keeping Garda stations open where the police are needed on the streets. Such personnel can be utilised more effectively in providing a visible Garda presence on outdoor policing duties. Garda management will continue to appraise the policing strategy employed nationwide, with a view to ensuring that an effective Garda service is maintained.

### Garda Strength.

202. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded and detailed for each of the districts within Counties Cavan and Monaghan in each of the years 2000 to 2005; if he has satisfied himself that there are sufficient gardaí to man this difficult Border region; and if he will make a statement on the matter. [18524/05]

**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.

### Registration of Title.

203. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will expedite an application on a folio for persons (details supplied) in County Limerick; and if he will make a statement on the matter. [18525/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for transfer-charge which was lodged on 10 May 2005. Dealing No. D2005PS009825J refers.

I am further informed that queries issued to the lodging solicitor on 11 May 2005 and that the application cannot proceed until these queries have been satisfactorily resolved. However, I can assure the Deputy that on a receipt of a satisfactory reply the application will receive further attention in the Land Registry and will be completed as soon as possible.

### Residency Permits.

204. **Mr. N. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if he will give consideration to approving an application by a person (details supplied) in County Cork for permission to remain here on the basis of parentage of an Irish-born child. [18531/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned made an application for permission to remain in the State on the basis of parentage of an Irish-born child under the revised arrangements announced by me on 15 January 2005. The application was acknowledged on 9 April 2005.

The scheme which I have introduced for the making of applications for permission to remain on the basis of parentage of an Irish-born child applies only in cases where the parents are resident in the State. It does not apply in respect of parents who are not resident in the State. I understand that this application has been examined and that the person concerned made an application from outside the State.

205. **Mr. N. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will give consideration to approving an application by a person (details supplied) in County Cork to remain here on the basis of parentage of an Irish born child. [18532/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned made an application for permission to remain in the State on the basis of parentage of an Irish citizen child under the revised arrangements announced on 15 January 2005. The application was acknowledged on 9 April 2005. Applications are being dealt with in order of receipt in so far as is possible and as expeditiously as possible. Given the number of applications being processed, it will be several weeks before the application for the person concerned will be completed.

#### Road Traffic Offences.

206. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the number of prosecutions in Kildare for speeding that may be deemed invalid following the High Court judgment that laser guns used by gardaí were in breach of the Road Traffic Act 2002; if any such prosecution will remain valid; and if he will make a statement on the matter. [18533/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda authorities inform me that they have received advice from the law officers on the implications of the decision of the High Court on prosecutions taken under section 21 of the Road Traffic Act 2002. I am further informed by the Garda authorities that the information requested on the number of prosecutions that cannot be proceeded with in the Kildare district in light of the High Court decision is not readily available and could only be obtained by the expenditure of a disproportionate amount of Garda time and resources.

#### Garda Stations.

207. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if he is considering proposals for the full closure of some stations and the reduction of hours in others; if any stations in County Kildare fall into this category; his views on the effect it will have; and if he will make a statement on the matter. [18534/05]

#### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** I have no plans to reduce opening hours or close any Garda station. The use of Garda stations was considered as part of the major review of the Garda organisation structures under the strategic management initiative programme of modernisation which looked in detail at a range of areas within the organisation. The Garda strategic management initiative implementation steering group’s final report, which I have laid before the House and which is available on my Department’s website and from the Government Publications Office, does not refer to the closure of any specific Garda station, but rather makes recommendations to assist policy making in relation to the management and use of all available resources, including Garda stations.

It is also the case, however, that the position has changed significantly since the consideration of these issues under the strategic management initiative, in that the Garda Síochána Bill 2004, which proposes the most fundamental modernisation of the Garda Síochána since the foundation of the State, provides that the Commissioner will have enhanced responsibilities in preparing proposals for organisational reform. It would be premature to anticipate at this stage what proposals, if any, might be developed by the Commissioner in this context.

#### Crime Levels.

208. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform if he will provide the latest figures on gun crime in County Kildare; the corresponding prosecution rate; and if he will make a statement on the matter. [18535/05]

#### 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.

#### Departmental Publications.

209. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18563/05]

#### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** The information requested by the Deputy is set out in the following tabular statement.

[Mr. McDowell.]

Name of Report	Date Commissioned (Time Since Elapsed)	Cost (Projected Cost)	Estimated Date of Publication
An evaluation of intervention programmes in Ireland working with abusive men and their partners and ex-partners	July 2003 — (1 year 11 months)	stg€41,536.88	June 2005
Analysis of current and future needs of and responses to women who have experienced violence or the threat of violence arising from Domestic Violence, Rape or Sexual Assault	July 2001 — (3 years 11 months)	(€75,549.42)	Publication date not currently available
Developing School Age Child Care	June 2001* — (4 years)	€5,079.00**	June 2005
Evaluation of the Irish Prison Service Sexual Offender Intervention Programmes by Mr Gary O'Reilly and Professor Alan Carr, Department of Psychology, UCD	This project commenced in October, 1998 and the report was delivered in mid 2004.	€63,487.00	The Irish Prison Service is currently considering this report and its publication.

\*Report approved for use by National Child Care Co-ordinating Committee in June 2003.

\*\*Projected publication costs not included — figure not yet available.

The Deputy should note that the above information relates to reports commissioned with a view to publication which have been received by my Department and are now awaiting publication. It does not include reports which were not commissioned but which are received on a periodic basis, such as annual reports relating to agencies under my Department's aegis, nor does it include reports from tribunals of inquiry.

#### Crime Levels.

210. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded in each Garda district in Tipperary North for the period 2000 to 2004. [18663/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** 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 in order 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 6 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.

The following tables show the headline offences, for the years 2000 to 2004 inclusive, for the each Garda district in Tipperary North.

Headline Offences Recorded and Detected for Thurles Garda District from 2000 to 2004\*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	24	20	26	22	31	27	16	16	9	8
Sexual Offences	7	7	22	22	32	28	12	10	3	2
Arson	2	0	0	0	5	1	7	2	2	1
Drugs	25	25	23	23	37	37	14	14	2	2
Thefts	241	67	234	67	216	90	202	70	85	43
Burglary	156	22	150	23	134	19	163	17	109	21
Robbery	2	2	2	0	5	2	5	2	2	0
Fraud	29	25	54	47	17	13	34	33	8	8
Other	7	5	11	7	4	4	5	5	0	0
Total	493	173	522	211	481	221	458	169	220	85

\*Statistics for 2004 are provisional-operational and liable to change.

## Headline Offences Recorded and Detected for Templemore Garda District from 2000 to 2004\*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	1	1
Assault	17	15	16	9	15	13	12	8	10	10
Sexual Offences	2	1	9	5	5	2	5	3	5	5
Arson	7	1	5	0	3	2	5	3	2	1
Drugs	6	6	6	6	4	4	6	6	4	4
Thefts	169	62	175	67	155	33	101	35	81	31
Burglary	92	11	89	15	79	11	121	19	85	18
Robbery	1	0	4	2	3	1	0	0	0	0
Fraud	9	4	4	1	3	2	18	17	1	1
Other	10	7	5	4	3	3	1	1	1	1
Total	313	107	313	109	270	71	269	92	190	72

\*Statistics for 2004 are provisional-operational and liable to change.

## Headline Offences Recorded and Detected for Nenagh Garda District from 2000 to 2004\*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	3	3	20	16	14	13	12	10	13	13
Sexual Offences	6	3	16	15	13	11	17	15	6	3
Arson	0	0	1	0	3	0	1	0	2	2
Drugs	17	17	22	22	15	15	17	17	9	9
Thefts	153	56	134	41	123	48	94	27	103	53
Burglary	96	20	91	16	92	18	101	11	66	11
Robbery	0	0	5	3	5	4	1	1	1	0
Fraud	12	8	4	2	14	14	18	18	5	3
Other	3	3	5	5	3	2	2	2	0	0
Total	290	110	298	120	282	125	263	101	205	94

\*Statistics for 2004 are provisional-operational and liable to change.

### National Drugs Strategy.

211. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the Garda Commissioner regarding the increase in the availability of crack cocaine and heroin in the south west inner city; and the steps he will take to tackle this problem. [18664/05]

212. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the Garda Commissioner regarding the increase in the availability of crack cocaine and heroin in Ballyfermot; and the steps he will take to tackle this problem. [18665/05]

213. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the Garda Commissioner regarding the increase in the availability of crack cocaine and heroin in the Inchicore area; and the steps he will take to tackle this problem. [18666/05]

214. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the Garda Commissioner regarding the increase in the availability of crack cocaine and heroin in the Crumlin area; and the steps he will take to tackle this problem. [18667/05]

215. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the discussions he has had with the Garda Commissioner regarding the increase in the availability of crack, cocaine and heroin in the Drimnagh area; and the steps he will take to tackle this problem. [18668/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 211 to 215, inclusive, together.

As the Deputy will be aware, operational matters are an issue for the management of the Garda Síochána. However, I am in regular contact with the Commissioner of the Garda Síochána on matters of importance. In this context I have requested information on the suggested



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increased availability of crack cocaine alluded to by the Deputy and I will be in communication on this specific issue in due course.

However, on the issue of policing in the areas concerned, I am informed by the Garda Síochána that the south west inner city is the subject of high visibility policing in the form of uniformed gardaí, detective units, the divisional crime task force, the special resource unit, the Garda mountain bike unit and community policing units. The area is also the subject of constant attention of district drugs units.

I am further informed by the Garda Síochána that gardaí from Ballyfermot Garda station, including community policing personnel, patrol the Ballyfermot area on foot and by mobile patrol in order to prevent and detect crimes. They are supplemented by members of the divisional crime task force and traffic units and the district detective and drugs units.

The Inchicore area is policed by gardaí based at Kilmainham station and consists of patrolling by uniformed gardaí, detective units, the divisional crime task force, the special resource unit, the Garda mountain bike unit and the community policing unit. This area also receives constant attention from the district drugs unit based at Kevin Street station and many notable successes have been achieved in recent times in terms of drug seizures and arrests of offenders.

I am further informed that there is a dedicated drugs unit based in the Sundrive Road Garda station which is proactive in targeting suppliers and street dealers in the Crumlin and Drimnagh areas. The gardaí in these locations conduct joint drug operations with other cities and national drugs units. Operation Cleanstreet, which is in operation in the areas in question, targets on street drug dealing as well as drug dealing in licensed premises.

### Garda Deployment.

216. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will make extra resources available to a Garda station (details supplied) to enable gardaí to tackle the increase in drug-dealing, petty larceny, muggings, stabbing and homophobic attacks in the Liberties area in particular. [18669/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the current personnel strength, all ranks, of Kevin Street Garda station as at 31 May 2005 is 119.

It is the responsibility of the divisional officer for the Dublin metropolitan region to allocate personnel within the division, including Kevin Street Garda station. The situation will be kept under review and when additional resources become available the needs of Kevin Street Garda Station will be fully considered within the overall context of the needs of Garda stations throughout the country.

### Garda Strength.

217. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí based in Pearse Street Garda station; the units or special squads they are attached to; the number available for duty on the ground in the south inner city on each shift; the number of community gardaí based in the Garda station; and if he proposes to increase these numbers. [18670/05]

218. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí based in Harcourt Terrace Street Garda station; the units or special squads they are attached to; the number available for duty on the ground in the south inner city on each shift; the number of community gardaí based in the Garda station; and if he proposes to increase these numbers. [18671/05]

219. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí based in Rathmines Street Garda station; the units or special squads they are attached to; the number available for duty on the ground in the area in each shift; the number of community gardaí based in the Garda station; and if he proposed to increase these numbers. [18672/05]

220. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí based in Donnybrook Garda station; the units or special squads they are attached to; the number available for duty on the ground in the area in each shift; the number of community gardaí based in the Garda station; and if he proposed to increase these numbers. [18673/05]

221. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of gardaí based in Irishtown Garda station; the units or special squads they are attached to; the number available for duty on the ground in the area in each shift; the number of community gardaí based in the Garda station; and if he proposed to increase these numbers. [18674/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 217 to 221, inclusive, together.

I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength and number of community gardaí, all ranks, currently attached to each of the Garda stations at Pearse Street, Harcourt Terrace, Rathmines, Donnybrook and Irishtown as at 31 May 2005 is as set out in the following table:

Station	Strength	Community
Pearse Street	248	15
Harcourt Terrace	80	4
Rathmines	71	3
Donnybrook	125	5
Irishtown	53	2

I have been further informed that Garda personnel throughout the Garda stations in the Dublin metropolitan region are attached to uniform, detective, task force, special resource, mountain bike, community policing and drugs units. Resources are augmented from within each district or division, as required. For security and operational reasons it is not Garda policy to disclose the number of personnel who will perform duty in any particular area over a specific period of time.

With regard to Garda resources generally, I am, of course, very 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 Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Garda stations mentioned 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. One promise I have already made is that the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing. They will have a real impact.

#### **Garda Operations.**

222. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if there will be an independent investigation into the shootings of two persons in Lusk by members of the emergency response unit. [18675/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As is usual when firearms are discharged by gardaí in circumstances such as those in this case, a chief superintendent has been appointed to investigate the circumstances of the incident. I do not wish to pre-empt the investigation by making a further comment. The Deputy will be aware that a person has been charged in connection with the incident and that the Garda investigations are continuing.

#### **Crime Prevention.**

223. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will revisit the file on the STAY project based in a

school (details supplied); if he appreciates the tremendous achievements of the project with young persons; if he will undertake to fund the STAY project; and if he will make a statement on the matter. [18676/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Question No. 390 of 4 May last. The application from the project referred to by the Deputy remains under review.

#### **Visa Applications.**

224. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an appeal by a person (details supplied); and if he will make a statement on the matter. [18677/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa applications referred to by the Deputy were lodged with the Department of Justice, Equality and Law Reform in February 2004. The applications were for the purposes of family reunification of relatives of a non-EEA national legally resident in the State on the basis of parentage of an Irish-born child. The applications were refused by the Department on 27 February 2004 as there is no provision under Irish law to facilitate family reunification in circumstances where a family member has residency on the basis of the parentage of an Irish-born child. The applications have been the subject of correspondence between several Deputies and my officials. A request to consider an appeal was received on 8 March 2005. As the applications were refused more than a year ago, the latest date for the receipt of an appeal was in late August or early September 2004. Consequently, any appeal made since then or in the future could not be considered due to the period of time that has elapsed since the initial decision was made.

#### **Garda Operations.**

225. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the green space and laneway (details supplied) in Dublin 7 which attract nightly anti-social behaviour and public drinking by gangs of youths will be prioritised by patrolling gardaí so that the gangs are moved on and do not cause concern to residents late at night. [18678/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that gardaí from Cabra Garda station, including community policing personnel, police the area referred to by the Deputy using foot and mobile patrols, ensuring a concentrated and visible presence in the area to prevent and detect crimes of the nature mentioned by the Deputy. The gardaí are supplemented by members of the divisional crime task force, traffic units and the district detective and drugs units. I am further informed that local Garda management is satis-

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field with current policing arrangements in the area, which are kept under constant review.

226. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform his plans to deal with the sale of drugs in an area (details supplied) in Dublin 5; and his plans to deal with this issue in Dublin. [18679/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, operational matters are an issue for the management of the Garda Síochána. I have been informed by the Garda authorities that the area to which the Deputy refers is policed by gardaí based at Santry Garda station. The station's community policing and district drugs units patrol the area. The units have lead responsibility for policing the sale of drugs in the area and have developed a partnership approach to problem solving with the community. Current policing policy in the Santry sub-district is predicated on the prevention of public order offences, drug detections and the prevention of crime, including crimes of violence against persons and property and the maintenance of an environment conducive to the improvement of quality of life for the residents. The Garda authorities assure me that this strategy is and will continue to be central to the delivery of a police service in this area.

#### **Gangland Killings.**

227. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the position regarding crime prevention tactics dealing with gangland murders and the drugs issue. [18680/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The legislative package for tackling serious and organised crime, including drug trafficking, is recognised as one of the toughest available to the forces of law and order in Europe. We cannot rest on our laurels, however. We must strive to give the Garda Síochána the tools needed to counter the changing circumstances of crime which face them.

The Criminal Justice Bill 2004, which is currently on Second Stage in the House, provides for a comprehensive package of anti-crime measures which will enhance the powers of the Garda in investigating and prosecuting offences. The measures include a general power of issuing search warrants, including a provision to allow a superintendent to issue an emergency 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 of the Bill 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 a number of amendments to the Bill, including a proposal to provide for criminal

offences in respect of participation in a criminal organisation. It is proposed to strengthen the provisions on the imposition of the ten-year mandatory minimum sentence for drug trafficking, to provide for new offences of supplying drugs to prisoners and to provide for a register of those convicted of drug trafficking offences.

Given the recent increase in violent crime involving firearms, there is an over-riding need to ensure that public safety and security are given priority in any review of policy and legislation on firearms. I have decided, therefore, to bring forward at an early stage certain proposals for inclusion in the Criminal Justice Bill. The Bill as published contains one such proposal, to provide for the secure custody of firearms. I am increasing the sentences for more serious firearms offences, 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.

Operation Anvil, which was launched in May of this year by the Garda, is one of the most intensive special policing operations ever undertaken in the State. It is intelligence-driven and aimed at those involved in gun crime of any kind in the Dublin metropolitan region. The operation involves divisional uniform and detective patrols throughout the region, backed up by national units. It also involves overt and covert operations, mobile and foot patrols, random checkpoints at specific locations, searches, execution of warrants and gathering and collating high-quality criminal intelligence.

A feature of the emerging gun culture is the apparent belief on the part of some criminals that they are not bound by or subject to the laws of the land. Operation Anvil is intended to supplement existing operations to ensure that lawlessness does not prevail, that the threat which the criminals pose is met sternly and effectively, and above all that human life is respected. The Criminal Justice (Joint Investigation Teams) Act 2004, which was signed into law in June 2004, provides for the competent authorities of two or more member states by mutual agreement to establish teams to conduct criminal investigations with a cross-border dimension. The Act gives effect in Irish law to an agreement at European Union level which attempts to ensure that international boundaries are not used by criminal gangs to their advantage.

Operational matters and the investigation of crime are matters for the Garda. All incidents of murder, regardless of apparent motive, will be thoroughly and comprehensively investigated by gardaí and the perpetrators brought to justice.

The Government's overall drugs policy is set out in the national drugs strategy 2001-08. The strategy, which represents a comprehensive and integrated approach to tackling the problem, brings together all elements of drugs policy, including supply reduction, prevention, treatment

and research. Each pillar of the strategy contains ambitious targets to be met over its lifetime. The strategy is the subject of a comprehensive mid-term review being carried out under the aegis of the Department of Community, Rural and Gaeltacht Affairs. The report of the review will be launched by the Minister of State, Deputy Noel Ahern, on 2 June 2005 at the Government's press office.

The Garda launched Operation Clean Street in December 1997 to target drug dealers operating at street level. The operation is co-ordinated by the Garda national drugs unit and is run in conjunction with local drug unit personnel. Operation Clean Street is in its tenth phase and operations have been conducted in 12 Garda divisions. Operation Nightcap was launched in December 1997 to target drug dealers operating in licensed premises. The creation of national Garda units, such as the Garda national drugs unit, enable gardaí to tackle the drugs issue in a proactive and targeted manner. Gardaí will continue to monitor the situation with a view to providing targeted operations in addition to day-to-day interventions which are the responsibility of all members of the force.

#### **Institutional Abuse.**

228. **Mr. Gormley** asked the Minister for Education and Science if the victims of institutional abuse will be given the opportunity to revisit Daingean as part of their therapy; if suitable arrangements will be made with the Department of Education and Science for this to happen; and if she will make a statement on the matter. [18520/05]

233. **Mr. Gormley** asked the Minister for Education and Science if the victims of institutional abuse will be given the opportunity to revisit Daingean as part of their therapy; if suitable arrangements will be made with the OPW for this to happen; and if she will make a statement on the matter. [18519/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 228 and 233 together.

A person's therapy is an individual matter and the advisability or otherwise of visiting a former residential institution is best left to the individual and his or her counsellor or therapist. Officials from the Department of Education and Science have consulted the Office of Public Works, which has responsibility for the former industrial school in Daingean. The OPW has stated that it will facilitate visits from former residents if prior arrangements for such visits are made with its property management section.

#### **Schools Building Projects.**

229. **Mr. Walsh** asked the Minister for Education and Science the position regarding the provision of a Gaelscoil at Clonakilty, County Cork. [18510/05]

**Minister for Education and Science (Ms Hanafin):** The proposed new school project for Gaelscoil Clonakilty has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners. The project will be considered in the context of the school building and modernization programme 2005-09.

#### **School Enrolments.**

230. **Ms Shortall** asked the Minister for Education and Science the current allocation of hours for home school liaison, guidance and counselling and pastoral care in respect of the proposed amalgamation of schools (details supplied) in Dublin; the corresponding figures post-amalgamation; her views on the adequacy of this provision in view of the socio-economic profile of Ballymun; and if she will make a statement on the matter. [18511/05]

**Minister for Education and Science (Ms Hanafin):** Teacher allocations to second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. Under these arrangements, my Department makes a specific enrolment based ex-quota allocation in respect of guidance. Based on the enrolment in the school concerned, an allocation of one whole-time equivalent post for guidance has been granted. I have recently announced the allocation of 100 additional posts for guidance from the commencement of the 2005-06 school year. A circular outlining the improved arrangements for guidance provision in second level schools was recently issued by my Department. A further allocation of eight hours per week for guidance will be granted to the school concerned on foot of this expansion.

In regard to chaplaincy posts, each community and comprehensive school is allocated one ex-quota chaplain post which is filled on the nomination of the relevant religious authority. The current home school community liaison, HSCL, allocation will be retained by the new amalgamated school as an exceptional matter and will be kept under review subject to enrolment and in the context of the implementation of the new action plan for educational inclusion — DEIS, which I launched on Monday, 30 May 2005. The action plan's core elements comprise a standardised system for identifying and regularly reviewing levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build on the success of existing programmes, while addressing the issues that have diluted the overall effectiveness of some measures. The new action plan will be introduced on a phased basis starting in the next school year and will involve an additional annual investment of €40 million on full implementation. It will also involve the provision of some 300 additional posts across the education system, which includes extending access to the HSCL

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service for the 150 second level schools participating in the school support programme.

The rules for allocating teaching resources also provide that where a school management authority is unable to meet its curricular commitments, my Department will consider applications for additional short term support. An independent appeals mechanism is available to school authorities who wish to appeal the adequacy of their teacher allocation. The school in question applied to my Department for a curricular concession allocation and was allocated 7.22 whole-time equivalent teacher posts. The school was notified of this allocation on 10 May 2005 and advised that, in the event of its not being satisfied with this allocation, it could appeal in writing to the independent appeals committee. To date, the school has not availed of the independent appeals mechanism.

Additional resources to cater for the needs of Traveller and non-national pupils will also be considered by my Department upon application by the school authority. It is also open to the school authority to apply to the national council for special education for additional teaching support and-or special needs assistant support to cater for the special educational needs of pupils enrolled.

The total teaching staff allocation granted to the school for the 2005-06 school year is 62.18 whole-time equivalent teacher posts. Having regard to the number of pupils enrolled at the school, I am satisfied that the level of teaching resources made available represents an adequate response which is fully in line with allocations generally in the second level system.

231. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to the enrolment situation of a school (details supplied) in County Tipperary; her views on the situation; the steps she intends to take to remedy the situation; and if she will make a statement on the matter. [18512/05]

**Minister for Education and Science (Ms Hanafin):** The general allocation system is based on mainstream pupil enrolments for the 2003-04 school year. Pupils attending special classes and Traveller pupils in receipt of support from a resource teacher for Travellers do not fall within the general allocation model as separate staffing arrangements apply in these cases. This position was confirmed in my Department's letter of 18 May which issued to all schools. My Department will arrange to examine the school's position in regard to developing school status and my officials will make further contact with the school in this regard shortly.

#### School Staffing.

232. **Mr. Naughten** asked the Minister for Education and Science if a school (details supplied) in County Roscommon will not lose its teacher

from September 2005; if the appeal which has been lodged with her Department will be dealt with immediately; and if she will make a statement on the matter. [18513/05]

**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 staffing 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 two mainstream class teaching posts. This is based on an enrolment of 55 pupils at 30 September 2003. The school also has the services of a learning support post based in the school and the services of a resource post. The mainstream staffing of the school for the 2005-06 school year will consist of a principal and one mainstream class teaching post. This is based on an enrolment of 49 pupils at 30 September 2004.

To ensure openness and transparency in the system, an independent appeals board is now in place to decide on any appeals. The criteria under which an appeal can be made are set out in Department primary circular 19/02. The board of management of the school has submitted an appeal to the staffing appeals board. The appeal will be considered by the appeals board at a meeting which is scheduled to take place in mid-June. The board of management will be notified of the outcome of the appeal as soon as possible thereafter. 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.

*Question No. 233 answered with Question No. 228.*

#### Schools Building Projects.

234. **Mr. Wall** asked the Minister for Education and Science the situation regarding the relocation of a school (details supplied) in County Kildare to a green field site outside the town; the time-frame within which the promised move is expected; the complications that have delayed the move; and if she will make a statement on the matter. [18536/05]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. However, due to a decline in enrolment trends and the level of investment which would be required to facilitate a relatively small number of pupils, it was decided not to allow the proposed building project to progress through architectural planning until a complete review of the long-term viability of the school has been carried out. This is currently underway in the school planning section of my Department.

### School Staffing.

235. **Mr. N. O'Keefe** asked the Minister for Education and Science if a primary school teacher will be retained in their current teaching position for the school year 2005/2006. [18537/05]

**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 staffing 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 one mainstream class teacher. This is based on an enrolment of 13 pupils at 30 September 2003. The staffing of the school for the 2005-06 school year will consist of a principal teacher. This is based on an enrolment of ten pupils at 30 September 2004.

The schedule referred to above can only be deviated from when a school experiences rapid growth in its enrolment. Rapid growth is defined as an increase in its enrolment in one year relative to the previous year of 25 pupils plus a stipulated excess of five pupils on the appointment figure. If the board of management of the school feel that the enrolment of the school will increase by this amount, they may apply for a post under the developing schools criteria as outlined in Department circular 15/05.

To ensure openness and transparency in the system, an independent appeals board is now in place to decide on any 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, July and October to consider appeals on the mainstream teaching allocation to schools for the 2005-06 school year. The closing dates for appeals are 3 June, 24 June and 7 October. 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.

### Schools Building Projects.

236. **Mr. Kehoe** asked the Minister for Education and Science if her Department was requested to carry out a review of primary education in Enniscorthy town, County Wexford; and if she will make a statement on the matter. [18550/05]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department has not been requested to carry out

a review of primary education provision in Enniscorthy. However, given that a number of applications have been received for additional accommodation from schools in the town, the school planning section has decided to undertake a review of provision in the area at both primary and post primary level. This review will be undertaken later this year.

237. **Mr. Kehoe** asked the Minister for Education and Science if her Department was requested to carry out a review of primary education in Gorey, County Wexford; and if she will make a statement on the matter. [18551/05]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department has identified Gorey as an area of rapid development and, consequently, it is currently examining the future educational requirements in the area at both primary and post primary level. Factors being considered include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for places into the future.

### Departmental Publications.

238. **Mr. Kehoe** asked the Minister for Education and Science the number of reports awaiting publication in her Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if she will make a statement on the matter. [18564/05]

**Minister for Education and Science (Ms Hanafin):** The following are the reports that have been commissioned by my Department and are awaiting publication: Research on North-South School and Youth Exchange and Co-operative Activity 2000-2004 — North-South Exchange Consortium. The report was commissioned in March 2004 and publication is anticipated in September 2005. The projected cost is €141,399 which will be met jointly by my Department and by the Department of Education in Northern Ireland; Irish listening, speaking and reading in primary school: achievement and long term trends, 1985-2002, John Harris, Peter Archer, Pat Forde and Siobhán Nic Fhearaile. The report was commissioned in 2002 and publication is anticipated in August 2005. The projected cost is €115,000; Expenditure Review on Skills — Steering Committee with input from McIvor Consultants. The report was commissioned in June 2004 and it will be published when it is completed and laid before both Houses of the Oireachtas. The projected cost is €38,500.

### School Staffing.

239. **Mr. Kenny** asked the Minister for Edu-

[Mr. Kenny.]  
 cation and Science if her Department will sanction a new teaching post for a school (details supplied) in County Louth; if her attention has been drawn to the fact that there are a large number of applicants for this school for September 2005; if her attention has further been drawn to the fact that a number of applicants wishing to enter the school in September are diagnosed with ASD, ADHD and other behavioural difficulties; if her Department will consider the sanction of an additional teacher appointment to cater specifically for the needs of extra children with ASD and behavioural problems; and if she will make a statement on the matter. [18572/05]

**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. An application for an additional teaching post has been received from the school in question. The matter is being examined by the local special educational needs organiser, SENO, in conjunction with my Department's inspectorate. The school authorities will be notified directly of the outcome in due course.

#### School Transport.

240. **Mr. Timmins** asked the Minister for Education and Science the position regarding an application for school transport for persons (details supplied) in County Wicklow; if, in view of the circumstances, these persons will be facilitated for September 2005 on the bus; if this decision will be made as a matter of urgency; and if she will make a statement on the matter. [18681/05]

**Minister for Education and Science (Ms Hanafin):** Under the rules of the post-primary transport scheme, the families referred to in the details supplied may be allowed the concession of transport from the nearest pick up point within the catchment area of Dunlavin provided there is room for them on the appropriately sized bus serving that centre after all fully eligible children have been accommodated.

#### Schools Building Projects.

241. **Mr. Walsh** asked the Minister for Education and Science if an extension will be built comprising of a hall, computer room, resource training room, store room and a staff room to a school (details supplied) in County Cork. [18682/05]

**Minister for Education and Science (Ms Hanafin):** The extension project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation

with the education partners. The project will be considered in the context of the School Building and Modernisation Programme 2005-2009.

#### Pupil-Teacher Ratio.

242. **Mr. F. McGrath** asked the Minister for Education and Science her proposals to reduce class size in primary schools; and if she will make a statement on the matter. [18683/05]

**Minister for Education and Science (Ms Hanafin):** The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where classes in a school have sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. 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. The staffing schedule for a school year is outlined in a circular issued to all primary schools. The circular in respect of the 2005-06 school year was issued recently.

Significant improvements have been made in this area in recent years. The average class size at primary level is 23.9, down from 26.6 in 1996-97. The pupil-teacher ratio has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in 2003-04. More than 4,000 additional teachers have been employed in our primary schools since 1997. I recently announced that an additional 660 special needs teaching posts will be put in place from next September to facilitate the implementation of the new general allocation system of resource teaching support. In line with Government policy, the position will be further improved in the future within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs, those from disadvantaged areas and those in junior classes.

#### School Transport.

243. **Mr. F. McGrath** asked the Minister for Education and Science the number of school buses with and without safety belts; and if all buses carrying persons with disabilities have seat belts. [18684/05]

**Minister for Education and Science (Ms Hanafin):** The specific information requested by the Deputy is not readily available. However, the following are approximate figures provided by Bus Éireann regarding the number of vehicles fitted with seat belts: 20% of 1,500 large and medium buses; 80% of 1,300 minibuses; and 100% of 200 cars-buses.

#### Site Acquisition.

244. **Mr. Perry** asked the Minister for Education and Science if financial aid will be avail-

able to a school (details supplied) in County Sligo; if her attention has been drawn to the huge concern that the school grounds need to be expanded; if sanction will be given for same; and if she will make a statement on the matter. [18685/05]

**Minister for Education and Science (Ms Hanafin):** An application for financial assistance towards the purchase of additional land has recently been received from the school in question and is being considered by my officials. The school has also applied for funding towards an extension and refurbishment at the school. As the existing school site is not owned by my Department, there are legal complexities to be considered before a decision is taken on how best to meet the school's accommodation needs for the future. My officials will be in contact with the school authorities in this regard in due course.

#### **School Staffing.**

245. **Cecilia Keaveney** asked the Minister for Education and Science the position regarding an application for an early start teacher for a school (details supplied) in County Donegal; and if she will make a statement on the matter. [18686/05]

**Minister for Education and Science (Ms Hanafin):** The Early Start pre-school project was established in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk during 1994 and 1995. The aims of Early Start are to expose young children to an educational programme which would enhance their overall development, prevent school failure and offset the effects of social disadvantage.

Early Start is a one-year, pre-school intervention aimed at children from selected designated areas of disadvantage. Children must be between the ages of three and four on 1 September of the year they are enrolled. The Early Start project is designed to cater for the needs of children who are most at risk of not reaching their potential in the education system and the school must give priority to the children who are most at risk.

The new action plan for educational inclusion, *Delivering Equality Of Opportunity In Schools* or DEIS, which I launched earlier this week, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, which will bring together and build upon, a number of existing interventions for schools with a concentrated level of disadvantage. The action plan aims to concentrate early childhood education actions on those children, aged from three up to school enrolment, who will subsequently attend the 150 urban-town primary schools, participating in the new school support programme and identified as serving the most disadvantaged communities.

The early childhood education actions under the new plan will be well targeted and my

Department will work in partnership with other departments and agencies with a view to meeting the overall care and education needs of the children involved in an integrated way. A strong emphasis will be placed on adding value to the work of other providers by embedding quality early learning within child care provision. The future direction of the Early Start programme will be considered in rolling out the new action plan.

A survey to assess levels of disadvantage in primary schools is being carried out with the assistance of the educational research centre and this will assist my Department in identifying the primary school communities to be targeted for early education support under the action plan. The plan will be implemented on a phased basis, commencing in the next school year.

#### **Third Level Education.**

246. **Mr. Naughten** asked the Minister for Education and Science her Department's opinion on the OECD report on third level education institutions here; and if she will make a statement on the matter. [18723/05]

**Minister for Education and Science (Ms Hanafin):** The OECD review of Irish higher education makes a series of far reaching recommendations for reform and development of the sector, against the backdrop of the crucial role which has been identified for it in helping to achieve the broad strategic national goal of becoming a leading knowledge-based society. I recently secured Government approval to the broad reform agenda outlined by the OECD and to the early introduction of legislative proposals to transfer responsibility for management of the institutes of technology from my Department to the Higher Education Authority.

In April, I outlined my initial response to the OECD recommendations and announced my intention to create a strategic innovation fund to incentivise restructuring and modernisation in the sector. However, I have made it quite clear that the final shape of future policy for the sector will take account of the views of those working in and with it. To this end, I and my Department are engaging in an extensive consultation process with stakeholders. I attended a colloquium in January with the HEA, CHIU, DIT and the council of directors of institutes of technology. This week, my Department organised and chaired a consultative forum on future strategy for research and development, which was attended by all relevant bodies in this area. When the consultation process is complete, I intend to return to Government with further proposals for reform and development of the sector.

#### **Schools Building Projects.**

247. **Mr. Naughten** asked the Minister for Education and Science the steps she intends to take to upgrade primary schools in County



[Mr. Naughten.]  
Roscommon; and if she will make a statement on the matter. [18724/05]

**Minister for Education and Science (Ms Hanafin):** I draw the Deputy's attention to the series of announcements I have made so far this year as part of the School Building and Modernisation Programme 2005-2009. These announcements, which were published in county order, outline: schools with major building projects allowed to move to tender and construction; schools invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools authorised to commence architectural planning Applications for capital works from schools in County Roscommon not included in these announcements are being assessed and considered for inclusion in further announcements as part of the School Building and Modernisation Programme 2005-2009. To assist primary school authorities to complete general upkeep and maintenance, an annual grant, also known as the devolved grant, is paid to schools under the scheme for minor works. The grant paid amounts to €3,809 per school plus €12.70 per pupil.

248. **Mr. Naughten** asked the Minister for Education and Science the steps she intends to take to upgrade secondary schools in County Roscommon; and if she will make a statement on the matter. [18725/05]

**Minister for Education and Science (Ms Hanafin):** I draw the Deputy's attention to the series of announcements I have made so far this year as part of the School Building and Modernisation Programme 2005-2009. These announcements, which were published in county order, outline: schools with major building projects allowed to move to tender and construction; schools invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools authorised to commence architectural planning Applications for capital works from schools in County Roscommon not included in these announcements are being assessed and considered for inclusion in further announcements as part of the School Building and Modernisation Programme 2005-2009. A sum of €7.5 million was provided for major post-primary school building projects in Roscommon between 1997 and 2004. As part of this, a new school was built for Boyle community college and an extension was provided for Castlerea community college.

#### **Schools Refurbishment.**

249. **Mr. Naughten** asked the Minister for Education and Science the steps she intends to take

to upgrade primary schools in County Leitrim; and if she will make a statement on the matter. [18726/05]

**Minister for Education and Science (Ms Hanafin):** I draw the Deputy's attention to the series of announcements I have made so far this year as part of the 2005-2009 school building and modernisation programme. These announcements, which were published in county order, outline schools with major building projects allowed to move to tender and construction, schools invited to deliver their building projects on the basis of devolved funding, details of schools with projects approved under the 2005 summer works scheme, schools whose projects will further progress through the design process and schools authorised to commence architectural planning.

Applications for capital works from schools in County Leitrim that are not included in these announcements are being assessed and considered for inclusion in further announcements as part of the 2005-2009 school building and modernisation programme. In order to assist primary school authorities to complete general upkeep and maintenance, an annual grant is paid to schools under the grant scheme for minor works, which is also known as the devolved grant. The level of grant paid amounts to €3,809 per school plus €12.70 per pupil.

250. **Mr. Naughten** asked the Minister for Education and Science the steps she intends to take to upgrade secondary schools in County Leitrim; and if she will make a statement on the matter. [18727/05]

**Minister for Education and Science (Ms Hanafin):** I draw the Deputy's attention to the series of announcements I have made this year as part of the 2005-2009 school building and modernisation programme. These announcements, which were published in county order, outline schools with major building projects allowed to move to tender and construction, schools invited to deliver their building projects on the basis of devolved funding, details of schools with projects approved under the 2005 summer works scheme, schools whose projects will further progress through the design process and schools authorised to commence architectural planning. Applications for capital works from schools in County Leitrim that are not included in these announcements are being assessed and considered for inclusion in further announcements as part of the 2005-2009 school building and modernisation programme.

251. **Mr. Naughten** asked the Minister for Education and Science the steps she is taking to upgrade science laboratory facilities; and if she will make a statement on the matter. [18728/05]

**Minister for Education and Science (Ms Hanafin):** Capital funding is provided from the

annual second level capital allocation for the refurbishment of science laboratories undertaken as part of an overall refurbishment programme of a second level school, for the upgrading of science facilities exclusively or by provision of new facilities in the case of new or extended schools. Additionally, I have provided for class materials, basic general equipment and chemicals for practical work for the sciences. My Department spent in excess of €13 million in 2004 to facilitate the introduction of a revised junior science syllabus and schools received a basic grant of €3,500 per science laboratory to enable them to provide the new curriculum. Additional funding was made available to schools where other specified equipment was required. In addition, certain schools identified as needing new or refurbished science laboratories as a result of a 1998 national survey received funding. Funding is also available this year to schools that have yet to apply for the basic grant of €3,500 per science laboratory and for other specified equipment to enable them to provide the new curriculum. Schools have also received funding under the summer works scheme in 2004 and 2005 to refurbish science laboratories.

#### Research Funding.

252. **Mr. Naughten** asked the Minister for Education and Science the steps she intends to take to improve the research and development capabilities of the institutes of technology; and if she will make a statement on the matter. [18729/05]

**Minister for Education and Science (Ms Hanafin):** Under the technological sector research sub-measure, €38 million has been specifically allocated to institutes of technology. The objective of providing this specific funding for institutes of technology is to support and strengthen the research capability of the sector by enabling institutes to focus on research projects based on core strengths, either of individual institutes or of the sector as a whole. Funding for research is allocated on the basis of a competitive process with independent adjudication by national and international experts.

In the period 2000-04, some €22 million was provided to support 190 projects in the institutes of technology. It is projected that some €4.8 million will be expended under this initiative in 2005. The Government will continue to support and, where possible, increase the level of financial support for the promotion of research in third level institutions. It will also support the endeavours of

higher education institutions as they seek to exploit other financial sources to increase their research capacity.

#### Departmental Publications.

253. **Mr. Kehoe** asked the Minister for Defence the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18565/05]

**Minister for Defence (Mr. O'Dea):** My Department currently has no commissioned reports awaiting publication.

#### Local Government.

254. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government his views on whether certain towns in County Kildare should be granted town councils in view of the recent explosion in populations in areas such as Maynooth, Leixlip and Kildare; and if he will make a statement on the matter. [18545/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 81 of 18 May 2005. Under the Local Government Act 2001, Kildare County Council is the primary unit of local government in the area. Leixlip already has an active town council. Any proposal to establish a town council in Maynooth is a matter for the local community in the first instance. Kildare town would not qualify to be considered for town council status as it does not fall within the required population threshold of at least 7,500 people as ascertained at the last preceding census.

#### Departmental Publications.

255. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of reports awaiting publication in his Department; the name of each such report; the length of time which has elapsed since each report was commissioned; the cost or projected cost of each report; and the date on which each report will be published; and if he will make a statement on the matter. [18566/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Twelve reports are awaiting publication in my Department. Details are set out in the following table:

Name of Report	Time Elapsed	Cost/projected cost of each report	Date each report will be published
National Urban Waste Water Study	42 months	€ 2,400,000.00	The report is being prepared for publication
All-island report on invasive alien species under action 28 of the National Biodiversity Plan*	25 months	97,215.00	Winter 2005

Name of Report	Time Elapsed	Cost/projected cost of each report	Date each report will be published
Report on the Present State and Future Protection of Thatched Structures in Ireland	22 months	19,450.00	Autumn 2005
The Preparation of a Public Sector Benchmark for Water-Wastewater Projects and a Model for Reviewing Projects and Benchmarking Costs	20 months	62,605.40	Autumn 2005
Study on Local Government Funding in Ireland	15 months	291,100.00	Summer 2005
Examination of the Issue of Trust-type Organisations to Manage Heritage Properties, Built and Natural, in Ireland	14 months	108,475.29	See Note***
Review of Construction Activity during 2004 and Outlook for 2005-2007**	12 month	45,000.00	Autumn 2005
Preliminary Forecast for Construction in 2005**	12 month	6,000.00	Summer 2005
Quarterly Construction Indicators**	12 month	18,000.00	Summer & Autumn 2005
Proceedings of LINNET conference on small tillage to promote biodiversity	7 months	7,000.00	Winter 2005
Ross Island Cave Archaeological Study, to facilitate bat works	4 months	5,000.00	Summer 2006
Review of Government's Homeless Strategy	4 months	74,536.00	Autumn 2005

\*Two thirds to be funded by this Department, one third by Environment and Heritage Service of Northern Ireland.

\*\*These reports form part of an ongoing series of reports relating to activity within the construction industry. The prices quoted relate to 2005. Printing and publication costs are not included.

\*\*\*Report is currently being considered. Copies will be placed in the Oireachtas Library in due course.

### Motor Taxation.

256. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government the reason the cost of motor tax when paid in three month or six month lots is more expensive; if he will consider facilitating motorists with pro rata charges to help keep the near prohibitive cost of motoring down. [18571/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The surcharge on non-annual discs is designed to cover the higher administrative costs involved. Current surcharge levels are lower than those permitted under motor tax law and were slightly reduced in 2001. I will continue to keep the level of surcharge under review in light of the expansion of e-motor tax arrangements.

### Regional Road Network.

257. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if money will be allocated to Sligo County Council for the R294 regional route within County Sligo; if his attention has been drawn to the fact that this route passes through rural areas in need of regeneration. [18655/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The improvement of non-national roads is a matter for road authorities to be funded from their own resources supplemented by State grants. In 2005, a grant of €400,000 was allocated to Sligo County Council under the EU co-financed specific improvements grant scheme for improvement works on the R294 at Mullaghroe. The Council has also included two schemes on the R294, at Drumartin and Mullinabreena, in its 2005 restoration

improvement programme to be funded from its 2005 restoration improvement grants.

In March 2005, Sligo County Council submitted to my Department a copy of a report prepared jointly by Sligo, Mayo and Roscommon County Councils regarding the condition of the R294 between Ballina and Boyle. The report proposed a number of both short and long-term improvement works to the route. The council was informed on 21 March that it would be open to the relevant county councils to include the short-term restoration improvement works in their restoration programmes for 2006 onwards when these programmes are being sought by my Department later this year. In addition, it was informed that it would also be open to the councils to prioritise appropriate works on this route for funding under the EU co-financed specific improvements grant scheme in 2006, when applications are sought later this year by my Department.

### Local Authority Housing.

258. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government his views on the fact that a person who has been a tenant and is now the owner of a council house for over 30 years has been informed that the Council will not give consent to sell a house; and if he will make a statement on the matter. [18656/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department has no function in the application in individual cases of section 90(12)(a) of the Housing Act 1966, which sets out the grounds on which a housing authority may refuse to consent to the re-sale of tenant purchase local authority dwellings.