



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 14 June 2005.

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DÁIL ÉIREANN

*Dé Máirt, 14 Meitheamh 2005.
Tuesday, 14 June 2005.*

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Ceisteanna — Questions.

Freedom of Information.

1. **Mr. Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during April 2005; and if he will make a statement on the matter. [15904/05]

2. **Mr. Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during May 2005; and if he will make a statement on the matter. [19038/05]

3. **Mr. Sargent** asked the Taoiseach the number of freedom of information requests received by his Department during April and May 2005; the way in which this number compares with the comparable periods in 2003 and 2004; and if he will make a statement on the matter. [19366/05]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

Two freedom of information requests were received in my Department during April 2005. During April 2004 four requests were received and ten requests were received during April 2003. During May 2005 two requests were received. During May 2004 one request was received and 11 requests were received in May 2003.

All freedom of information applications to my Department are processed by statutorily designated officials in accordance with the 1997 and 2003 Acts and, in accordance with those statutes, I have no role in relation to the processing of individual applications.

Mr. Kenny: I suppose the Taoiseach has to try to find a different form of words to deal with these questions which come up on a regular basis, no more than supplementary questions. When a case for a claim under the Freedom of Information Act is referred to the Taoiseach's Department and refused, an applicant may appeal to the Information Commissioner at a cost of €150.

Where the appeal is allowed, no refund is given to the person who made the request of, for instance, the Department of the Taoiseach. Does the Taoiseach think that adheres to the principle of fair play and fair administration? Will he consider looking at this aspect where if someone makes a request of the Department of the Taoiseach and it is refused but subsequently awarded on appeal to the Information Commissioner—

An Ceann Comhairle: This question would be more appropriate for the Minister for Finance.

Mr. Kenny: This question is for the Taoiseach, and the Ceann Comhairle knows that.

An Ceann Comhairle: The costs involved are a matter for the Minister for Finance.

Mr. Kenny: No, the question relates to the principle of fair play and fair administration.

An Ceann Comhairle: Yes, it is for the Minister for Finance, even when the costs relate to the Department of the Taoiseach.

Mr. Kenny: The Chair is starting very early today. There are only three weeks left.

An Ceann Comhairle: The Chair is concerned because there are many questions on Northern Ireland and the Deputy is going outside the Taoiseach's remit.

Mr. Kenny: The Taoiseach is on his feet and he wants to answer. He is well able to answer the question.

The Taoiseach: This question arose last year and the Information Commissioner highlighted it previously in a special report on the operation of the Act, which she published. I understand the Information Commissioner is more concerned about the cost of the appeal to her office than the original fee. That is the point Deputy Kenny is making. None of the changes made affected this. The cost of an appeal is approximately €150 and is similar to that in other jurisdictions. It does not seem unreasonable but it has been raised in the report of the commissioner. All these matters are examined carefully in the Department of Finance and by an interdepartmental team and this matter was also examined during the course of the year.

Mr. Sargent: Will the Taoiseach indicate whether the reduction in the number of freedom of information requests to his Department have allowed him to bring about the 4% reduction in staff? Is the work related to the reduction in staff?

There were 80 freedom of information inquiries in the first quarter of 2003 but the number of requests is now in single figures. Does the Taoiseach see a need to amend the Act on the

[Mr. Sargent.]
basis of the experience in his Department? It is supposed to underpin openness in government but it does not seem transparent to many people.

In his reply in April, the Taoiseach stated there were no records in respect of one of the six freedom of information requests. Was there a problem with information going missing or is there another reason that no information existed for the request?

Cuirim fáilte roimh stádas oifigiúil don Ghaeilge. An bhfuil an Taoiseach in ann a rá go bhfuil na hacmhainní Gaeilge ina Roinn le ceisteanna a fhreagairt faoin Acht agus an mbeidh sé ag súil le tuilleadh ceisteanna as Gaeilge?

The Taoiseach: Normally if there is no information, it means there is no file in the Department, not that anything is lost. If that happened, I would specifically say so, but as far as I can recall, that has not happened since the Act was introduced.

On amendment of the legislation, each year the Department of Finance looks at the reports of the Information Commissioner and the inter-departmental group, and neither group has recommended changes this year.

My Department, in correspondence by way of telephone calls, e-mails and freedom of information requests, communicates in Irish when necessary. No extra staff were allocated to the Department for the additional work involved in freedom of information requests. It was taken on by approximately 18 people across the Department. It was divided out among key decision makers across departmental divisions. This is still the position but I assume it helps that less work is now involved. However, when one looks back over the records in my Department, many of them were in the early period where people wanted information. When personal information is involved, no fee is charged and people can still get that information. There has been a major reduction in the number of cases in the last 18 months.

Northern Ireland Issues.

4. **Mr. F. McGrath** asked the Taoiseach the position regarding recent developments in Northern Ireland; and if he will make a statement on the matter. [17790/05]

5. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the British-Irish Council meeting in the Isle of Man on 20 May 2005; and if he will make a statement on the matter. [17792/05]

6. **Mr. Sargent** asked the Taoiseach if he will report on his meeting with former US President, Mr. Bill Clinton; and if he will make a statement on the matter. [18374/05]

7. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions

reached at the seventh British-Irish Council summit in the Isle of Man. [18926/05]

8. **Mr. J. Higgins** asked the Taoiseach when he will meet the President of the United States of America, Mr. George W. Bush; and if he will make a statement on the matter. [18927/05]

9. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent contacts with the parties in Northern Ireland. [18928/05]

10. **Mr. J. Higgins** asked the Taoiseach if he will report on his recent meeting with the British Prime Minister, Mr. Tony Blair. [18929/05]

11. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the political parties in Northern Ireland; and if he will make a statement on the matter. [19034/05]

12. **Mr. Kenny** asked the Taoiseach if he will report on his recent contacts with the British Prime Minister; and if he will make a statement on the matter. [19035/05]

13. **Mr. Kenny** asked the Taoiseach if he will report on his recent meeting with former US President, Mr. Bill Clinton; and if he will make a statement on the matter. [19041/05]

14. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on progress in the peace process; and if he will make a statement on the matter. [19094/05]

15. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his meeting with former US President, Mr. Bill Clinton; and if he will make a statement on the matter. [19096/05]

16. **Mr. F. McGrath** asked the Taoiseach if the issue of Irish unity is ever on the table at talks on Northern Ireland; and if he will make a statement on the matter. [19244/05]

17. **Mr. F. McGrath** asked the Taoiseach if he will report on his recent meeting with former US President, Mr. Bill Clinton. [19245/05]

18. **Mr. Sargent** asked the Taoiseach if he will report on the British-Irish Council meeting on 20 May 2005; and if he will make a statement on the matter. [19359/05]

19. **Mr. Sargent** asked the Taoiseach the position regarding developments in the Northern Ireland peace process; and if he will make a statement on the matter. [19360/05]

20. **Mr. Sargent** asked the Taoiseach if he will report on his attendance at the conference on North-South bodies organised by the Institute for British-Irish Studies in Dublin on 22 May 2005; and if he will make a statement on the matter. [19361/05]

21. **Mr. Rabbitte** asked the Taoiseach the position regarding developments in Northern Ireland; and if he will make a statement on the matter. [19708/05]

22. **Mr. Rabbitte** asked the Taoiseach when he next expects to meet the British Prime Minister to discuss matters relating to Northern Ireland; and if he will make a statement on the matter. [19709/05]

23. **Mr. Rabbitte** asked the Taoiseach the number of occasions on which he has met representatives of Sinn Féin since the beginning of 2005; the figure for meetings with the SDLP, DUP, UUP and Alliance Party; and if he will make a statement on the matter. [19710/05]

24. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of his recent meetings with Sinn Féin. [19711/05]

25. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the British-Irish Council meeting on the Isle of Man on 20 May 2005. [19712/05]

The Taoiseach: I propose to take Questions Nos. 4 to 25, inclusive, together.

Discussions in recent weeks have focused on overall political developments in the aftermath of the British elections, with an emphasis on the centrality of the Good Friday Agreement, a complete ending of IRA paramilitary and criminal activity and capability and the continued partnership between both Governments. The Good Friday Agreement is the centrepiece of our policy and its implementation in all its dimensions remains our priority.

I have not met the British Prime Minister, Mr. Blair, since his re-election, but I spoke with him shortly after his success to extend my best wishes for his third term in office. I will, however, meet him in London tomorrow. While our discussions, in view of the imminent and crucially important European Council meeting, will mainly address EU matters, we will also have an opportunity to discuss Northern Ireland. Later this month, the British Prime Minister, Mr. Blair, and I will chair a meeting of the British-Irish Intergovernmental Conference at which we will discuss the peace process in more detail as well as our co-operation across a range of issues of mutual concern.

I understand the internal consultation process is continuing within the IRA. At this point I cannot say when we can expect this process to be completed. Like every Member, I hope that it will not take much longer. When it does come, it must be clear and decisive and embrace an end to all paramilitarism and criminality as well as the completion of decommissioning. If that happens, and recognising that regaining confidence and trust will inevitably take some time, both Governments will expect Unionists to participate in fully inclusive partnership politics in Northern Ireland.

I have had ongoing contacts with all the political parties. Tomorrow, I will meet the Democratic Unionist Party in London, my first opportunity to meet with it for some time. As the need for an open and constructive relationship between the Democratic Unionist Party and the

Government is self-evident, I welcome this opportunity to renew our dialogue. I have met representatives of the SDLP on four occasions and the Ulster Unionist Party and Alliance once since the start of 2005. I have met Sinn Féin representatives on several occasions since the beginning of the year. In addition to the meeting in late January, I met them in Washington on 16 March. I also had several private meetings with Gerry Adams.

Notwithstanding the many difficulties of recent months, I have made it clear that we would maintain contacts with Sinn Féin. Through this engagement, the party can be in no doubt as to Government's concerns and the need for a clear and decisive response from the IRA which will enable the process to move forward again.

I attended a summit meeting of the British-Irish Council, one of the institutions established under the Agreement, on 20 May in the Isle of Man. The summit had representatives of all eight British-Irish Council members at senior political level from Ireland, England, Northern Ireland, Scotland, Wales, Jersey, Guernsey and the Isle of Man. The Tánaiste also attended as the main item on the agenda was telemedicine, the delivery of health care information and services using information technology. A programme of work was agreed, which identified a number of other areas where progress can be made on issues of common interest. The British delegation was headed by the British Deputy Prime Minister, Mr. Prescott, and included the British Secretary of State for Northern Ireland, Mr. Hain. I had brief discussions with them about the situation in Northern Ireland.

I met the former US President, Mr. Clinton, in Government Buildings on 23 May. We discussed a wide range of issues, including the situation in Northern Ireland in the aftermath of the British elections, the importance of a positive response from the IRA and the other challenges to the peace process, such as the murder of Robert McCartney. Mr. Clinton maintains a strong interest in the peace process, as he does in other matters that arose in our discussions, including the battle against HIV-AIDS globally and the Asian tsunami relief effort. I have no immediate plans to meet the US President, Mr. Bush.

I addressed the Institute for British-Irish Studies conference in University College Dublin on 27 May. The conference's particular focus was North-South co-operation and the implementation bodies established under the Good Friday Agreement. As these issues are a vital dimension to the agreement, I welcomed the opportunity to profile the ongoing commitment of the Government to pursue progress in every way possible.

Mr. F. McGrath: I commend the Taoiseach for the meetings which he has held over recent weeks. Does he share my frustration at the lack of positive movement from most of the parties directly involved in the peace process? Moreover,

[Mr. F. McGrath.]

does he share the concerns of many citizens that movement is slow? Many people are becoming frustrated and are concerned that a vacuum could remain there? Where vacuums exist, there is a potential for violence.

On Question No. 16 on the issue of Irish unity, the vast majority of people on the island of Ireland support Irish unity, as do most people in Wales, Scotland and England, according to a recent opinion poll. However, this positive view of Irish unity and independence is not reflected at the talks on the Northern issue or frequently in the Dáil. Will the Taoiseach advance this noble, positive ideal on the broader political spectrum? It is an issue to which most people in this House appear to be turning a blind eye.

On the Taoiseach's meeting with Bill Clinton, had the former President any fresh ideas or new radical proposals to break the deadlock in the peace process in the North?

The Taoiseach: As far as the vacuum is concerned, in the period up to the election it was not possible to make progress and everyone reluctantly accepted that. In the past few weeks, we have been trying to regain momentum on the basis of progress. As I noted in my reply, that is based on a decision to embrace the issues which we did not succeed in completing on 8 December last year. These are the ending of paramilitarism and criminality as well as the completion of decommissioning, followed by an attempt to rebuild trust and confidence. As the House is aware, it will take some time, I hope not too much time, to regain confidence in the process. Thereafter we hope that everyone, particularly the Unionists, will re-engage in an inclusive process. As Deputy Finian McGrath is aware, whether we can genuinely make progress in the way we wish is predicated on the quality of the response to the initiative currently under discussion. We await that response and hope we will not have too long to wait.

On the question of new initiatives by former President Clinton, that is not his function, but he regularly keeps in touch with all sides, both here and in the United States, and receives briefings from our embassy in the United States. He keeps in touch on any matters that arise. He is generally supportive of the administration and President Bush on the basis of a bipartisan relationship, which he is anxious to see continue on Capitol Hill. It is not his function to propose new initiatives but clearly he supports what is happening and wants to see it work in the period ahead. He is committed to the implementation of the Good Friday Agreement and the avoidance of attempts to go down any other road.

On the question of statements on Irish unity, this matter was discussed in the multi-party talks and the Good Friday Agreement and, as was very clear at that time, it is two-fold. The issue is dealt with on the basis of consent and any decision to

change the position will be made by a vote of the people in Northern Ireland. It was considered that after perhaps a decade of the working of the Good Friday Agreement, there would be polls from time to time, the first one taking place towards the end of this decade, in 2008.

The Good Friday Agreement has not been working as it was envisaged at that time. Hence, the reason this matter is not on the agenda or being discussed is that it has not formed the part which we wished, and that remains the position. It would be neither productive nor helpful to press the issue because it would be contrary to that to which we agreed and signed up. That is why it is not being discussed.

I assure Deputy Finian McGrath that while the issue is at times slow and painstaking, the reality is an enormous effort was made three times during 2003 and 2004. Each of those initiatives moved the process on and made substantial progress, but not enough. That is the issue. It is clear what might work. That is what we are endeavouring to do.

Mr. Kenny: I read the Taoiseach's reply of 24 May this year to a series of questions about meetings. In the course of his reply, the Taoiseach said he would shortly meet representatives of Sinn Féin on a formal basis but that he did not have a date. Recently the national newspapers reported a number of so-called secret meetings the Taoiseach had with Sinn Féin representatives. Having had a very straightforward and unambiguous meeting with representatives of Sinn Féin after the McCartney murder and the Northern Bank raid, the Taoiseach sent the party away with a flea in its ear to come back with a clear and unambiguous report. Will the Taoiseach confirm whether this report of secret meetings is true? If so, was the Minister for Justice, Equality and Law Reform present, what was the issue for discussion and where did these meetings take place?

If these meetings took place, does the Taoiseach not run the risk of creating a perception that the Government is tough on these matters in public but quite prepared to negotiate in private? Did the Taoiseach have formal meetings with the representatives of the Sinn Féin Party and secret meetings as well? Was the Minister for Justice, Equality and Law Reform present and what was the purpose of these discussions?

The Taoiseach: I do not consider that I had any secret meetings. I am not responsible for headline writers. The content of that article was absolutely correct where I said I had a number of meetings. However, I had no secret meetings. As far as I am concerned, the meetings I have had are all on the record and are formal meetings. The fact press conferences are not held does not mean they are not formal meetings. I have such meetings with several leaders in Northern Ireland when they are here perhaps on other business.

Nine times out of ten I meet them but we would not highlight the meetings. However, they are certainly not secret meetings.

The formal meeting in January attracted much publicity as did the meeting on 16 March. I had meetings prior, during and after the elections in the North attended only by Gerry Adams and me. They were by no means secret meetings. I would also have talked to senior members of the SDLP on the same basis.

The content of all my discussions with Sinn Féin has very much focused on the clarity we require if we are to bring issues forward. I am very clear that is the only way we can make progress and get the institutions back up and running. My primary concern in the coming months is to get the institutions back up and running.

While I do not formally meet Dr. Paisley all the time, we have ongoing contacts with the DUP through officials. At all times, we are very clear about what we are trying to achieve. All my efforts on both sides have been to try to reach a position whereby we get a certain set of circumstances with which we can run, otherwise the type of stalemate and dilemma about which Deputy Finian McGrath talked will persist. The response we await from the IRA and the type of issues that did not allow us to complete matters last December are very clear and clearly understood. It will be of little benefit having anything other than that to bring matters forward. I will discuss these issues again tomorrow with all the senior people in the DUP. My position is quite clear. I know what I hope to get in response. Whether we get that response, we will have to wait for the outcome of the IRA engagement. Equally, if we get such a response, we will have to tease out where we will go with the DUP. They are the two crucial elements for the next period.

I want to mention the secondary issues in particular because we are at the beginning of the difficult phase of the marching season. We can get confused as to when the marching season starts. It was months ago but we face the difficult phase of it this weekend beginning on Friday night. I emphasise the importance of all political leaders working to assist everybody to avoid some of the difficult issues around the marching season this year in particular. We need people's help and support on that. There are quite difficult issues facing us this weekend.

Mr. Sargent: As Deputies Kenny and Finian McGrath said, there is a sense of a drift in the Northern peace process. Can the Taoiseach reassure us that drift will not continue into the summer? Has the Government a contingency plan to involve all the parties which need to be involved to make a breakthrough over the summer months, or will we have to wait into the autumn for that and would such a delay replicate the long delay in this regard during the UK election campaign period?

Is it not time and does the Taoiseach not consider there is potential to reclaim the spirit of the Good Friday Agreement which was entered into by all parties in this House? Does he not consider there is a need to involve the Opposition parties more directly given that under the Constitution, the Good Friday Agreement belongs to all the people and that such involvement would represent an initiative which has not been tried since the Forum for Peace and Reconciliation was stood down?

When the Taoiseach spoke at the Institute for British-Irish Studies conference in UCD he mentioned the need for co-operation North and South to tackle the global challenges this island faces. In that context, is he saying we need the institutions to be up and running and can do nothing before that, is he saying there is potential for interim arrangements, whether on the basis of civic society or any other initiative he might like to mention, or is he saying we can do nothing until the institutions are up and running again?

The Taoiseach: I will take the Deputy's questions in reverse order. On the last point, that particular meeting, the British-Irish Intergovernmental Conference meeting due to be held, the meetings that have taken place on east-west arrangements, including the one that took place two weeks ago and the one held in the Isle of Man, as well as the one to take place Monday week show the number of issues and degree of co-operation that is ongoing in spite of the limitations that exist. The Deputy is correct in pointing out there is a limitation. That exists because of the care and maintenance agreement we put in place to keep the North-South bodies operating after the institutions suspended. There are some sensitivities connected with that which we have done our best to work around.

Notwithstanding that, there is a great deal of co-operation, effort and dialogue from trade unions to business to agriculture to cultural bodies and that is positive. I have no doubt that if the institutions were up and running, such co-operation could be greatly fast-tracked because of its potential and the people engaged. While we would have to be sensitive about their particular perspectives, I know that if the institutions were up and running, they would do much more. That is not to say they are not doing their best. I understand their difficulties. It is a very positive programme.

On the question of the new initiatives, in recent weeks the Minister for Finance made a speech about infrastructure and the co-operation that could take place in the areas of energy, tourism, and inter-trade, all of which are good programmes. I commend all involved including the officials on our secretariat.

The difficulties in regard to the marching season are the worry. As always, everybody is needed in the engagement. Sometimes we forget the marching season is always very difficult and

3 o'clock

[The Taoiseach.] requires much effort by many people. As I have said time and again the effort is hugely appreciated but, particularly in the South sometimes, we do not appreciate just how difficult these situations are and much of the time they are not covered. If there is not a huge level of trouble nobody takes too much notice of them. There are huge sensitivities. There is much concern this year in Derry about the proposal by the Orange Order to have its main 12 July celebration in the city for the first time in 13 years which will attract enormous crowds. This is a matter to which I and others have devoted much time. The order is continuing to refuse to engage in direct talks with the residents in Derry, in contrast to the Apprentice Boys who continue to seek agreement on an annual basis. That is a very difficult issue.

We will not get any progress on Drumcree as there is a stalemate this year. We have had a number of meetings on that issue but, frankly, we have got nowhere this year. The Ardoyne area remains the kernel of the difficulties for the marching season this year. The Tour of the North parade takes place on Friday. That is one of the reasons for the meetings tomorrow and we need much co-operation to avoid difficulties. I have had representations from many communities in the North on this issue and how it runs into the whole shopping area and into the Crumlin Road. As the Deputy will recall we were fortunate in the Ardoyne on 12 July last year in that a dangerous situation was avoided. This is the first engagement since that time. I appreciate the efforts of those who worked hard to avoid such a dangerous situation. We have to get over that period and quickly progress the dialogue. I do not see us getting it sorted out this side of 12 July, but sometime around then or afterwards we have to progress the dialogue. We are entering a difficult position between now and 12 July.

Mr. Rabbitte: Has the Government any information which the Taoiseach can give to the House on the involvement of the IRA in the money laundering activities that were the subject of much Garda activity and publicity last February? Will the Taoiseach refer back to the business of secret meetings with Mr. Adams? Does he accept there is a thin line as to whether these meetings were secret or private? Does he accept there may be questions about the wisdom of such meetings given the belief in other quarters that such meetings can lead to various deals on the side, understandings and so on that may give rise to difficulties later? Can the Taoiseach point to anything on the record of the House, before that particular story appeared in the *Irish Independent*, where he advised the House about what he calls private meetings and what the *Irish Independent* calls secret meetings? I have not been able to put my finger on an instance of the Taoiseach advising the House of these meetings. Have there been similar meetings with any of the

other parties to the peace process or is Mr. Adams the only one who has had these private or secret meetings with the Taoiseach?

Has the Taoiseach raised the recent report of the Independent Monitoring Commission with Mr. Adams at any of these meetings? I presume I can take it the Taoiseach accepts the report of the IMC which suggests the IRA is still training, recruiting, gathering intelligence, engaging in punishment attacks and so on. Did the Taoiseach ask Mr. Adams to reconcile this with his other public statements? Will the Taoiseach indicate what is his bottom line in terms of the anticipated imminent statement from the IRA? Is he satisfied that as a result of these meetings with Mr. Adams, it is clearly understood that this is make or break time for the Agreement and that either the republican movement understands that it takes the final steps into the democratic arena or it does not and that a halfway house will not provide any opportunity for the institutions in Northern Ireland to be revived and refurbished?

The Taoiseach: I will try to answer all those questions. The investigations into money laundering are ongoing. The Garda Síochána is pursuing a number of lines of investigation but obviously it is not appropriate for me to give further details and quite a number of people are involved in that operation.

I have had no secret meetings with Gerry Adams. I have said in the House many times that despite all the difficulties, I have made it absolutely clear that the Government will maintain dialogue with Sinn Féin and this is what I have continued to do. My meetings with Gerry Adams were consistent with this. On balance these meetings were better conducted when away from the glare of publicity. There is no need for a press conference after every meeting, particularly when awaiting the consultative process. There would not be much to be said to the press.

If one were holding secret meetings, one would not meet an eminent and senior member of Independent Newspapers to inform them of the fact. The text of the article is what I said. I wish I could influence the people who write newspaper headlines because the headlines would be very different if I had any say but as the world knows, unfortunately I have no say in headlines.

Mr. Rabbitte: The Taoiseach does not do too badly.

The Taoiseach: If I ever have the power to influence them I would be very glad to avail of Deputy Rabbitte's assistance in trying to alter them.

Mr. Rabbitte: I am only in the ha'penny place.

The Taoiseach: The issues we discussed were very straightforward and have been well rehearsed in the public domain. Deputy Rabbitte

is correct that at all times I try to give an absolutely clear position as to what the Irish Government requires before we believe we can get the institutions up and running again, even though there will be many difficulties with Unionism in doing that. The issues for moving forward are the total end of paramilitarism, the end of related criminality, as we see it, and the issue of decommissioning being properly and adequately dealt with. It is only on that basis that we can move forward. In all my discussions we have discussed those matters. Obviously it is for me to put forward my view and for Gerry Adams to give me his views on the deliberation and other issues that are going on. However, he is in the same position as I am on these issues. He is waiting for these matters to be brought to an end.

We have talked about the IMC report and the issues involved. I have always accepted the conclusions of these reports and I consider that the IMC is worried about these issues. As I have said the paramilitary organisations continue to recruit and train. The police service and the Independent Monitoring Commission share that view. I have said this in the House on a number of occasions recently. However, I know that is also the nature of those organisations, which is why we need a definitive end to their activities. They will continue to follow this system as long as they are there, which is the difficulty. This activity places an unacceptable burden on ordinary people who just want to get on and live their lives and it also poses a broader threat to the peace process and to all our hopes for a prosperous future. In reply to Deputy Rabbitte, I have been very clear since January. I have not had that many meetings since January. I mentioned one in January, one in Washington and possibly three or four since March. I have been very consistent in my position.

In terms of other parties, on a very regular basis I deal with all kinds of people from all kinds of organisations in the North. I do not report every meeting to the House because of the difficulties for the people involved. They meet me on a private basis with the agreement of their organisations but do not want the meetings made public. In the political sphere I continue to meet politicians from different parties at different levels who are in Dublin and have something they wish to say. I do that regularly at short notice and at weekends when people are in town for other business. I continue to do that, as while it is time consuming, it is a very helpful part of the process.

Mr. Ferris: What was the purpose of the meeting between the Minister for Justice, Equality and Law Reform, Deputy McDowell, and the British Secretary of State, Mr. Peter Hain, in Dublin yesterday? Does this signal an increased role for the Minister for Justice, Equality and Law Reform in the peace process? Does the Taoiseach know that such a development would be unwelcomed by people within the republican and Nationalist

community throughout the island of Ireland and also by some if not many members of his party?

Is the Taoiseach aware that the DUP is openly boasting in briefings internally to its members and to the wider Unionist community that it has successfully divided Irish nationalism? Does the Taoiseach view this as a welcome or positive development? Despite Sinn Féin's increased mandate at both the local and Westminster elections, is the Taoiseach aware that the DUP is calling for the British Government to impose further sanctions against Sinn Féin and is also pursuing a policy of exclusion regarding Sinn Féin in any future Executive? When meeting its representatives next week, will the Taoiseach impress on the DUP that the proposed voluntary coalition is a non-runner and that progress can only be made if the DUP clearly shows a willingness to embrace democratic principles and to accept the mandate of all parties as equal?

The Taoiseach: I will start at the end. Obviously I have been endeavouring to convince Dr. Paisley that there is only one way forward. The only plan is the implementation of the Good Friday Agreement and the institutions created by it. That has been our consistent agenda. Deputy Ferris knows that successive Ministers for Justice, Equality and Law Reform have been involved in all peace talks since 1991. The current Minister is no different to any other. That is the way it will continue, whether or not people like that. I am sure that will continue into the distant future.

I read an interview given by the DUP in today's *Belfast Newsletter* and I do not note anything in it suggested by the Deputy. He claimed that in briefings to its party members, it has been boasting of dividing Irish nationalism. The DUP is only in that position if circumstances allow it and the Deputy should know what those circumstances are. The only thing that puts me on the back foot is when I must explain the unexplainable, which is difficult. When everyone from a nationalist background is following the rule of law and democracy I have no difficulty explaining things. If I have clear answers to the questions I have been asking for the last six months, I will be in a far better position and there will be no divisions within Irish nationalism.

Priority Questions.

School Transport.

49. **Ms Enright** asked the Minister for Education and Science when all students using the school transport service will have their own seats; her views on calls for the introduction of seat belts on all buses; and if she will make a statement on the matter. [19937/05]

50. **Ms O'Sullivan** asked the Minister for Education and Science the review of safety standards

[Ms O'Sullivan.]

on school buses which has been undertaken since the recent County Meath crash in which five persons died; if a decision has been made on the fitting of seat belts in school buses; if the Government will consider the provision of funds to allow for the replacement of old buses with custom built school buses; and if she will make a statement on the matter. [19804/05]

Minister of State at the Department of Education and Science (Miss de Valera): I propose to take questions Question Nos. 49 and 50 together.

The safety of the school transport service is constantly under review in my Department. In January 2005, I initiated a warning flashing light pilot scheme on school buses. These lights reduce the risk of accidents in the vicinity of the school bus as pupils descend where safety research has shown the majority of accidents occur. It is planned to roll out the scheme on a phased basis to other parts of the country following a successful evaluation of the pilot project. The question of introducing legislation to require motorists to stop on approaching a school bus showing flashing lights is being examined actively.

An older bus does not mean an unsafe bus. All vehicles operating under the school transport scheme are required to meet the statutory regulations as laid down by the Department of Transport. Where vehicles have over eight adult seats and are more than one year old, they are required to pass that Department's annual roadworthiness test. No bus which is unsafe or dangerous is allowed onto the road to carry children. About 20% of the vehicles used for school transport are owned by Bus Éireann and the remaining 80% are owned by private operators on contract to Bus Éireann. The average age of the Bus Éireann large capacity bus fleet is 16 years. The average age of all vehicles used is 11.5 years.

Since 1999, Bus Éireann has purchased a large number of vehicles as part of an ongoing school bus fleet replacement programme, in order to improve the age profile and condition of its school bus fleet. The Bus Éireann school bus fleet currently has around 400 large capacity buses that were transferred from the general service fleet into the dedicated school transport bus fleet. Over 250 of these buses were transferred in the period 1999-2003, and they represent another valuable source of replacement buses over this period. This investment has produced an improvement in the condition of the fleet generally and this fleet replacement programme, aimed at replacing older buses with more modern vehicles, is continuing.

The loading of all school buses is determined by the relevant sections of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations laid down by the Department of Transport. In accordance with relevant legislation, the licensed carrying capacity of all vehicles engaged in school transport is based on

a ratio of three pupils for every two adult seats. My Department has been in discussions with Bus Éireann with a view to phasing out the three for two arrangements. The discussions have been advanced to a stage at which I can confirm that the necessary steps are being taken to commence the general phasing out of three for two seating arrangements over two to three years from next September.

The wearing of seat belts and the three for two rule are intrinsically linked, in the context of which no legal requirement to wear seat belts in buses, including school buses, obtains. However, EU Directive 2003/20, which requires seat belts to be used where they are fitted, must be transposed into national law by 9 May 2006. Proposals to extend the requirement to fit seat belts in all new vehicles, except city buses used in stage-stop routes, have been developed separately at EU level. Once the directive has been adopted, all school buses being registered from a future date, which is yet to be determined, will be required to be fitted with seat belts. The directive is not expected to provide for the mandatory retrofitting of seat belts in existing buses.

Seat belts on school buses would have to be introduced on a phased basis having regard to the logistical difficulties of sourcing seat-belt equipped right-hand drive buses. The type or types of seat belt to be fitted must be determined with regard to the differing sizes of the student passengers being carried. My Department is working closely with the Department of Transport and Bus Éireann on these matters and meetings with international safety experts will begin very soon to facilitate progress. A phased programme of retrofitting of seat belts on some buses to a high specification may also be possible depending on safety research. I will consider which proposals should be brought to Government having regard to the advice of safety experts when it becomes available.

Ms Enright: I am not especially interested in whether the EU will ask us to retrofit school buses as it is a decision we should take ourselves. The Minister of State has overseen an ongoing review of school transport for over a year which is separate from the review initiated to consider the awful accident in Meath. When will the original review be published and has it taken into account the various issues which have been raised in recent weeks, including the three for two rule? While I welcome the Minister of State's progress on the rule, I would prefer to see it phased out in full from next September rather than over a longer timeframe. Is the failure to phase out current seating arrangements in the short term related to shortages in funding and resources?

What will be the timescale for the phased roll-out of the flashing light pilot scheme? The Minister of State will understand my questioning of pilot schemes given that Youthreach has existed on a pilot scheme footing for 17 years. I would

like to know when the flashing light scheme will be rolled out across the country. The Minister of State failed to refer to supervision on school buses. Is supervision on school buses being considered as part of the review process and will the Minister of State consider making it mandatory?

Seat belts represent a fundamental issue for parents. I have spoken to many bus drivers who say that whether they are transporting school children or sports teams, parents are asking actively at the moment whether there are seat belts on their buses. A significant number of private vehicles under contract are equipped with seat belts and use them. It is the buses provided by the State's Bus Éireann fleet that are not so equipped. Will the Minister of State tell the House what exactly she intends to do and whether she has a process in train to consider retrofitting or whether it forms part of the review that is already taking place?

Miss de Valera: The Deputy is perfectly right that the directive will not come into force under the position I outlined in my initial answer. I wish to proceed ahead of transposition of the directive because our interest is to ensure every possible safety mechanism exists within the school transport system. The process has been ongoing which is why we have actively considered the phasing out of three for two seating arrangements. Many references have been made to the report of the Oireachtas committee which considered school transport and made two very interesting findings. The committee recommended the phasing out of three for two seating arrangements for primary school pupils whereas I wish to phase them out completely on all school buses. While the committee referred to the provision of seat belts in new buses only, we intend to ensure all buses in the school transport fleet are so equipped.

Ms Enright: I did not refer to the Oireachtas committee.

Miss de Valera: We acknowledge up front that the introduction of seat belts will be phased due to difficulties of which we have been made aware through the research the Department has gathered over some time on the abolition of three for two seating arrangements and the provision of new equipment.

The Deputy referred in her question to the flashing light pilot scheme. The scheme was initiated on a pilot basis to allow us to evaluate it. While I await the official report, I am pleased that anecdotal evidence suggests the scheme has had positive effects and ensured a slowing down of buses. I wish to go further, however, as the issue is not simply one of having buses slow down. I want to roll out the flashing light scheme nationally and to ensure that motorists not only slow down but stop in the vicinity of school buses. Research has consistently demonstrated that the most significant safety concerns involve what

occurs in the vicinity of school buses rather than on them.

In response to Deputy Enright's request for figures on the number of buses already fitted with seat belts, it is estimated that 80% of the 1,200 minibuses owned by private contractors are so equipped. Only 20% of the remaining 1,560 large and medium-sized buses, of which Bus Éireann owns 650, are fitted with seat belts. None of the Bus Éireann buses is fitted with seat belts. All cars and taxis, of which there are 255 in the scheme, are fitted with seat belts.

Ms Enright: I did not ask for that information, I asked when the seat belts would be fitted.

Ms O'Sullivan: What we need the Minister of State to say and what the public and parents of children travelling on school buses would like to hear is that there is an urgency, plan and timescale for implementation. I did not detect in the her reply evidence that anything has changed in the Department since the school bus crash in Meath. Is there a plan and a timescale for its implementation? Has the Minister of State carried out costings to assess the level of funding required to replace the fleet with seat belt fitted buses? Has it been determined in the Department whether there are buses suitable for retrofitting and, if so, how many such buses are in the fleet and what will it cost to equip them with seat belts?

While we appreciate there are constraints, we need to see that there is a sense of determination and purpose to ensure action is taken as quickly as possible. In a reply from the Department to the Joint Committee on Education and Science on 4 April 2005 following a discussion on school transport, it was indicated that a discussion document, Safer School Buses, was circulated in April 2002 by the vehicle standards section of the then Department of the Environment and Local Government, which subsequently transferred to the Department of Transport. The discussion document addressed many of the issues being considered, including the retrofitting of seat belts to buses. Does the Minister of State need to wait for further information? Is there not enough information in the Department to allow work to commence on the oldest, least safe buses and speed up the phasing out of three for two seating arrangements? The answer was known before the Meath crash which indicates a need for greater urgency.

Miss de Valera: I assure the Deputy that there is a sense of urgency which does not relate simply to the very sad deaths of five students in Meath. The circumstances of the crash were very difficult for everybody, but the general safety of buses is and must be the subject of ongoing review in the Department. Deputy O'Sullivan admits rightly that three for two seating arrangements have been considered in the Department for some

[Miss de Valera.]
time, which is why we are able to say they will be completely abolished within two to three years. The Deputy can rest assured that if we can, we will do it sooner than that.

In terms of the retrofitting of seat belts, as I explained in the debate a couple of weeks ago in this House, I was informed by the experts that retrofitting must be done in a specialised way so as to ensure that any adaptation would be completely safe. I will meet again with the experts who will provide further information to me and the Department. I have been told there may be some buses already in the fleet that can be retrofitted with seat belts. The matter is a not simple one as we are talking about a number of different types of seat belts. It will be for the experts to advise us on the type of seat belts that would be most applicable in terms of safety on these buses.

We have been looking at different types of buses on an ongoing basis. We have looked at three different types of new buses, a Turkish made bus, a bus made in Donegal and a bus made in Britain. All these new buses are fitted with seat belts. I emphasise that it is not a question of equating old buses with a lack of safety. There are strict road worthiness criteria for all school buses. Replacement and additional buses are to be equipped with seat belts. I made a statement to that effect on 25 May and the Taoiseach reiterated this statement on 27 May in an RTE television debate.

We will be phasing in seat belts for the entire transport fleet, but as I stated, there are logistical problems in trying to acquire right-hand buses. We are doing our utmost to ensure that will happen but it will take time. That is the overall position.

Schools Building Projects.

51. **Dr. Cowley** asked the Minister for Education and Science the reason her Department is continuing in its failure to provide a site and to grant aid a new school (details supplied) in County Mayo; the further reason her Department is willing to jeopardise the future education of the children at this school by not providing them with a permanent site and building; when pupils, teachers and parents can expect an end to this ongoing saga; when the OPW will announce the location of the new site; and if she will make a statement on the matter. [19801/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy opened in September 1996 with provisional recognition. Having met the criteria for recognition and proven its viability, the school was granted permanent recognition in 2000. It is standard practice that the school authorities are responsible for the securing of interim accommodation which is grant aided by the Department, pending the securing of permanent recognition. On being granted permanent recognition, a

school becomes eligible for capital funding. The rate of progress towards a permanent accommodation solution depends on a number of factors including availability of sites and the Department's budgetary capacity to meet the level of demand.

The school is currently accommodated in pre-fabricated classrooms on a 0.75 acre site in the town. The rental costs of the site and classroom accommodation are grant aided by my Department at the rate of 95%. My Department is advised that the lease on the site is due to expire in June 2006. I assure the Deputy that we are acutely aware of the urgent need for an accommodation solution for this school, particularly given the limitations on the existing arrangement.

My Department is doing its utmost to achieve a satisfactory outcome at the earliest possible date. To that end, the property management section of the Office of Public Works has been actively engaged in seeking a suitable site for a new school building. Soil sampling is being undertaken to verify the suitability of a particular site. The result of the tests and final assessment of site suitability is expected to be concluded and with my Department in a week or two.

Dr. Cowley: I thank the Minister for her reply. The people of Westport took to the streets recently because they could not wait any longer. They have been waiting since 2001. A promise was made in February 2002 by the former Minister for Education and Science, Deputy Woods, that the Department would provide a site and permanent accommodation for this school, but that has not happened.

As the Minister stated, the lease will expire next May and a new school must be built. I have consistently raised this matter and have been informed by the Minister that the OPW is dealing with the matter and that a site had been chosen from the seven which had been identified. The board of management has been told that the work of the OPW has been completed and the report has been handed to the Minister. We have heard nothing from the Minister. The people concerned are anxious to know what is happening.

It is two weeks from the end of the school term. A safe environment cannot be provided at the school. A damning health and safety report has shown that those five tarpaulin structures are dangerous as they are falling down around the children. The playground is also hazardous as cars must turn in the playground. Currently there are 185 pupils with a further 30 due to enrol next year. The parents want to know what is the future for the school and what type of building will be provided on the site. More tarpaulin structures would not be acceptable. The parents also wish to know if the school will be built once the site is acquired. Something must be done. There is a window of opportunity and unless something is done now the opportunity will be missed. This matter has been ongoing since 2001.

People have taken to the streets. A significant number of people attended the march in Westport and they are considering marching on the Dáil. Why should they have to do this? The Minister has the report. Can she not state when the matter will be dealt with, what kind of building will be constructed on the site and when the project will go ahead? The people concerned must be informed.

Ms Hanafin: The building will be a school building and it will be available on a site in Mayo. People are very welcome to march on the Dáil but no site is available in Leinster House.

Dr. Cowley: Will it be a prefab or a permanent building?

Ms Hanafin: A particular site has been identified by the OPW and soil sampling is currently being carried out there. As soon as that is complete it will be able to conclude its assessment of the site and will then be able to provide me with the details in regard to that. The lease on the school does not expire for another 12 months which provides the school with extra time to deal with its new intake of pupils.

Dr. Cowley: A new school must be built.

Ms Hanafin: I recognise that as a developing school it is on a very tight site. A commitment was given that a site would be provided and a school built and that will happen.

Dr. Cowley: Will it go straight to the building programme once a site has been provided? We have been told that the OPW's work has concluded on the site but the Minister stated it is still ongoing. The OPW stated the matter is in the Minister's hands. The money has not been provided due to a fudging of the issue. The people need to know what is happening. The new school must be constructed and ready within a year because the lease will expire next May. The pupils must have somewhere to go. People also want assurance that they will get more than just tarpaulin structures. Can the Minister assure me a permanent bricks and mortar school will be built instead of five more tarpaulin structures and that the building programme will commence as soon as a site becomes available?

Ms Hanafin: There is absolutely no prospect of a school being built within 12 months.

Dr. Cowley: They did it in Ballinasloe, County Galway.

Ms Hanafin: I would not like the Deputy to leave with the impression that a commitment has been given that a school in bricks and mortar could be built on a site which has not yet even been acquired.

Dr. Cowley: Where there is a will, there is a way.

Ms Hanafin: In the first instance a site must be acquired.

Dr. Cowley: It has been done in Ballinasloe.

Ms Hanafin: My information is that soil sampling is being undertaken. Given the difficulties that have been experienced in Mayo in recent years regarding soil it might be very wise of the OPW to carry out soil sampling before we would even consider putting a building on a site. I recognise the needs of the school. The building programme for the next five years has a capital allocation of €3.5 billion. A number of school projects are ongoing. Once a site has been acquired in this case, it is my intention to add this school to the building programme.

Special Educational Needs.

52. **Ms Enright** asked the Minister for Education and Science the details regarding the new allocation system for resources for children with special educational needs; and if she will make a statement on the matter. [19938/05]

Ms Hanafin: As the Deputy is aware, a new scheme for allocating resource teachers to schools to cater for the needs of children with high incidence special needs and learning support needs was announced last month. The reason for the new scheme is simple. Children with special needs such as dyslexia or mild learning difficulties are found in almost every school. It makes sense then that every school should have a number of resource teaching hours based on the number of pupils in the school.

This is a major improvement on the previous system, under which children with high incidence special needs required a psychological assessment before they were given resource teaching hours by the Department. This was a time consuming process that often led to delays in children getting the support they needed. Resource teachers will now be in place in the school from the start of the school year, so children who need their assistance can get it straight away. Under the new arrangement, disadvantaged schools, boys' schools and mixed schools get extra resources as research shows that pupils in these schools are more likely to have learning difficulties. To ensure that every school has enough resource teaching hours to meet the needs of its pupils, an extra 660 resource teaching posts are being put in place for next September. Some 340 of these are permanent posts and 320 are temporary posts being provided to ensure that children who had been given an individual allocation of resource teaching hours by my Department will keep these in circumstances where the general allocation to the school would not be sufficient to allow the

[Ms Hanafin.]

school to provide these hours from within its general allocation.

Provision of these temporary posts will ensure that no child for whom my Department has allocated a specific number of hours with a resource teacher will lose these under these new arrangements. The majority of schools are gaining resource teaching hours under the new scheme.

As the Deputy will be aware, the need to address the concerns of small and rural schools was the reason I initiated a review of the original general allocation model announced last year, to come into effect in the 2005-06 school year. Following this review, a special improved ratio for small schools has been introduced to ensure that they are given resource teaching hours on a more favourable basis.

I stress that despite misleading claims to the contrary, the new scheme does not prevent schools from giving one to one time with a resource teacher to any child who needs such support. Rather, it ensures that each school has enough resources to ensure that each child gets a level of support appropriate to his or her individual needs. The school can then use its professional judgment to decide how to divide these hours between different children in the school to ensure that all their needs are met.

Additional information not given on the floor of the House.

Research shows that some children with special needs will respond better with one to one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The point is that the type of response needed depends on the child. While the new scheme will not prevent schools from allowing one to one time with the resource teacher to children who need it, it is important to note that one to one teaching is not the best option for every child.

I am grateful to the Minister for Finance for providing me with the resources to ensure that the new system could be put in place. As of next September there will be more than 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. One out of every five primary school teachers is now working specifically with children with special needs.

The Government is deeply committed to improving services for children with special needs. In addition to the massive increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

Ms Enright: Have the students or their parents been notified that they have lost resource teaching hours in recent months? Will these hours be reallocated from September in light of the fact that the Minister just stated no pupil will lose out under the new system? Many pupils have been contacted recently to tell them they will lose resource teaching hours.

What is the number of appeals in the new system? Is the Minister aware that her Department, based in Athlone, has been giving advice to principals not to bother appealing because the system will not be changed? I am disappointed the allocations were made at such short notice and so close to the end of the school year.

Does the Minister intend to make any changes to the system? Can she explain to me the position on a boys' school and girls' school in the same town, both of which are classified as disadvantaged and taking students from the same catchment area?

The boys' school was originally told a ratio of 1:80 would apply to it but it has now been told the ratio will be 1:135. It has lost out severely under the new system, yet the girls' school has gained and has a greater allocation than the boys' school. This seems to contradict the original intention behind the weighted system. Will these individual cases be considered?

Can the Minister change the system concerning circumstances where a school has a general allocation model with associated figures of 0.7 or 0.71 and 14 low-incidence hours, for example? If one combines these figures, one is dealing with more than one full teaching post, yet many schools have lost a teaching post and are receiving a temporary teaching post instead. It would be far more beneficial for such schools to have a permanent teacher.

I am also concerned that children with special needs under this system, especially those in the low-incidence category, are more likely to be taught by temporary teachers than permanent teachers. How long will temporary teachers be in the system? Is there a definite timeframe?

Ms Hanafin: I will start with the final question. The temporary teachers will be in the system as long as the individual child who has the individual allocation is in the primary school. Only when the child leaves will the hours be lost to the school.

The children in the low-incidence category, that is, those with a more severe disability, are dealt with through a process that is entirely separate to this scheme. They will continue to be assessed separately and will continue to be allocated their hours separately. Since those allocations are given to individual children, it would not be appropriate to link them to the high-incidence children for the purpose of creating permanent posts. The advantage of the high-incidence allocation is that the posts in question will exist irrespective of who the individual children are. Even when the low-incidence children, that is,

those with a more severe disability, move to secondary school, the high-incidence allocation will remain on a permanent basis. This is why it is not possible to link the two categories.

Boys and girls are being treated differently. I do not know of individual circumstances but there is a different allocation for boys in recognition of the fact that, for some reason, the incidence of learning difficulties is much higher among boys than girls. We have also made a different allocation to the disadvantaged schools.

I appreciate that short notice was given coming up to the end of the school year. However, it was important to make the correct decision. An allocation of 660 teachers was worth waiting for in respect of both the transitional and permanent posts. I am conscious that the allocation was made at the same time as the allocation of the mainstream teachers. Many of the phone calls received from schools throughout the country have related to all of these factors. The mainstream allocation, the resource teacher allocation and the clustering arrangements all came together. The Department has been very flexible regarding the clustering arrangements.

Some schools came up with their own solutions and ideas. These are being worked through in conjunction with the INTO. There were a number of difficulties at the outset but, from all our information, they are being sorted out. The process is settling down. The Department is working very closely with those concerned.

There is not an appeals system *per se* because the allocations are based on school numbers. However, we are seeking to ensure that the allocations of developing schools, for example, will be considered from September. Where schools might be redesignated under the new DEIS programme or where they fall under the disadvantaged category, we will ensure their needs are met immediately under that scheme.

The only reason children would lose resource teaching hours would be if the special educational needs organiser determined over the preceding months that they no longer needed them. However, it is still open to schools to make a one to one allocation or an allocation to small groups. Research shows that where some children do better on a one to one basis, others do better in groups. It is up to the individual school to use its resources. Knowing that the resources are available on a permanent basis is a great reassurance for a school because it knows it will be able to identify the children with special educational needs very quickly and allocate resources to them according to need.

Multi-Denominational Schools.

53. **Ms O'Sullivan** asked the Minister for Education and Science her views on the concluding observations of the UN Committee on the Elimination of Racial Discrimination in its judgment of 10 March 2005 on the obligation of the Irish

State to promote the establishment of multi-denominational schools; if she will provide adequate funding, estimated at €500,000 per annum, to Educate Together to carry out that function on behalf of the State; and if she will make a statement on the matter. [19805/05]

Ms Hanafin: On 10 March last, the United Nations Committee on the Elimination of Racial Discrimination did not issue a judgment imposing an obligation on the Irish State to promote the establishment of multi-denominational schools. Rather, the committee encouraged Ireland to promote the establishment of non-denominational or multi-denominational schools.

The committee recommended that this matter be addressed along with all other observations made when Ireland submits its third and fourth periodic reports by January 2008. The Department will furnish its response on this specific observation as part of that wider reporting by Ireland requested by the committee.

On the establishment of new multi-denominational schools in recent years, it should be noted that of the 24 new schools granted provisional recognition in the past three years, 12 are under Educate Together patronage. Of the other 12 schools granted provisional recognition, six are Gaelscoileanna, five are under Catholic patronage and one is under the patronage of the Church of Ireland.

The procedures for establishing new schools are extremely fair and transparent. All potential sponsors of schools, whether the patron be one of Catholic, Protestant, Muslim or Jewish faith or one such as Educate Together or the Gaelscoileanna movement, are treated on an equal basis. The criteria and procedures for the recognition of new primary schools were revised in 2002, based on the recommendations of a report of the Commission on School Accommodation, on which Educate Together was represented.

Applications for the recognition of new schools are assessed by an independent advisory board on the basis of the facts provided by the patron body in support of the case for the new school and the likely demand for places. Schools are granted provisional recognition and permanent recognition follows when long-term viability has been established on actual enrolments over a period.

The Department has made a number of changes in recent years which have made the provision of accommodation for new schools much easier. One of these changes, which was strongly welcomed by Educate Together, was the abolition of the local contribution to the building costs for State-owned school buildings, which had cost up to €63,500 per school. Other innovations include the development of the design-and-build model to provide permanent accommodation much faster, as in the case of the new Educate Together school in Griffeen Valley, Lucan, which was designed and built in under 13 months.

[Ms Hanafin.]

The position on annual funding is that my Department is engaged in discussions with Educate Together. The provision of some additional funding in 2005, to meet the immediate issues of concern to Educate Together, is under discussion along with its longer-term needs. The level of funding my Department provides to Educate Together as a school management body is on a par with that provided to Foras Patrúnachta na Scoileanna Lán-Ghaeilge, the Church of Ireland Board of Education, the Islamic Board of Education and the National Association of Boards of Management in Special Education.

Ms O'Sullivan: I thank the Minister and welcome the fact that she is engaged in talks with Educate Together. The organisation is genuinely in crisis in terms of its being able to run the service it offers to multi-denominational schools. It receives only €39,800 per annum. It is estimated it will spend €500,000 alone this year. The point the Minister makes that many of the new schools are Educate Together emphasises the growing costs on that sector and the fact that parents are choosing this option more and more. The second biggest religious grouping in the 2002 census is people of no religion. Obviously, Educate Together schools cater not just for this category but for people of particular religious denominations as well. Will the Minister address the crisis in their funding at this time? Will she acknowledge that it suited the State and the churches as well that until relatively recent times the vast majority of schools were denominational? However, we live in a changing society. There is a demand from parents for this type of education. Will the Minister accept that there is an obligation, if not under the UN's decision, at least under Article 42.3.1° of the Constitution, that the State needs to provide for parental choice in this area? Will she treat this as a matter of urgency in terms of addressing the genuine needs of people who choose this type of education for their children?

Ms Hanafin: Of course I recognise the changing face of Ireland and the trends as indicated in the census in terms of multi-denominational and multi-ethnic considerations. Obviously there is a demand for diversity in education. Despite the fact that we have had multi-denominational education in this country for a number of years, there is no evidence that any of these children are being excluded from the schools. It is important to state that, as well. In any school one may visit, particularly around the city areas in Dublin, there are children of all creeds and backgrounds being welcomed everywhere. There is no evidence to the contrary. Obviously there is a demand for a particular type of diversity in education as well—

Ms O'Sullivan: This is guaranteed under the Education Act as well.

Ms Hanafin: I accept that. I suppose that is why multi-denominational education is one of the fastest growing sectors and why all of the applications from Educate Together have been accepted and promoted. The reality, however, is that Educate Together as a body, was funded by philanthropists for a number of years to the tune of €500,000. There is absolutely no prospect that the Department will be able to pick up that bill, when it is looked at in the context of the other management bodies. I mentioned, for example, that Educate Together gets the same amount as the gael scoileanna, which is also a fast growing sector.

Ms O'Sullivan: Gaelscoileanna get funding from a different source.

Ms Hanafin: Perhaps Educate Together might be able to get it from a different source as well. From the viewpoint of my Department they are all being treated on an equitable basis. The only sector to get a greater amount of money is the Catholic management area, which accounts for more than 2,900 schools, while Educate Together will have 35 in the coming months. While I naturally acknowledge the demand and see that diversity is a growth area in schools, there is no prospect of being able to match that type of funding, as regards the other bodies as well. However, I am examining the position to see what extra support may be given.

Ms O'Sullivan: As regards religious and ethical education etc., they have devised their own programme whereas in the training colleges for the denominational schools, that is State funded. I would like to highlight this area of inequality for the Minister.

Ms Hanafin: In brief informal discussions which I had with the presidents of the training colleges, they both advised me that they are cognisant of the fact that a number of their graduates will go on to work in Educate Together schools, in multi-denominational situations. They are taking that on board in the training of their students as well as preparing others for the gael scoileanna. They are particularly conscious of the fact, however, that they will be dealing with multi-denominational situations in the training of students.

Other Questions.

Higher Education Grants.

54. **Mr. S. Ryan** asked the Minister for Education and Science the current position regarding discussions with the Department of Social and Family Affairs and the Revenue Commissioners regarding the introduction of a new higher education grants scheme; the steps being taken to

bring these discussions to a conclusion; when she expects the new system will be in place; and if she will make a statement on the matter. [19677/05]

Ms Hanafin: As I indicated in my reply of 26 April 2005 to Parliamentary Question No. 70, the administration of student support schemes is complex and resource intensive involving the processing and assessment of applications and resulting in the payment of grants to more than 56,000 students annually. Expenditure in 2004 was almost €203 million.

Student support is provided through three means-tested maintenance grant schemes for third-level students. The higher education grants scheme operates on a statutory basis, while the vocational education committees' scholarship scheme and the third-level maintenance grants scheme for trainees operate on an administrative basis. The statutory framework for maintenance grants under the higher education grants scheme is set out in the Local Authorities (Higher Education Grants) Acts 1968 to 1992.

In accordance with the commitment in An Agreed Programme for Government it is planned to have a single unified scheme of maintenance grants for students in higher education in place for the academic year, 2006-07. This will provide for a more coherent administration system that will facilitate consistency of application and improved client accessibility. This is necessary if we are to ensure public confidence in the awards system and the timely delivery of grants to those who need them most.

As the Deputy is aware, my Department has been engaged in ongoing consultations with the key stakeholders such as the Irish Vocational Education Association, the County and City Managers' Association, various social partners and other relevant Departments to map the most logical and effective arrangements for the future structure and administration of the student support schemes. Discussions with the Department of Social and Family Affairs and the Revenue Commissioners have related to their possible contribution to the future shape and administration of the student support schemes.

These discussions have substantially clarified the positions of the stakeholders in the future administration possibilities for the schemes and their possible role therein. I expect to be in a position before the autumn to determine the best strategy to give effect to the programme for Government commitment to the payment of the maintenance grants through a unified and flexible payment scheme.

Whatever new arrangements are eventually decided upon will be provided for in new statutory arrangements through a new student support Bill. This Bill, that will provide statutory underpinning for the schemes, will have as a key objective the promotion of equality of access. I also envisage that the Bill will provide for an independent appeals system. The timescale for publi-

cation of the Bill is contingent on the range of issues, the subject of the consultations already referred to.

Ms O'Sullivan: I welcome the fact that there is a Bill on the proposed legislative programme and that the Minister hopes to have some proposals in place by the autumn. I say this in the context of a press statement, dated 10 September 1997, when the then Minister for Education and Science, Deputy Martin, said he hoped to have a system in place from late 1998 to early 1999. This has obviously been going on for a long time. Undoubtedly, it throws up inequalities.

Has the Minister any timescale in mind from September onwards when she expects to be able to implement the proposals? I sought information through parliamentary questions, as did my colleague, Deputy Burton, on the socio-economic breakdown of grant recipients and the latest data we have is from 2002, which is relatively old. Is there any attempt within the Department to collate that information on a more up to date basis?

Ms Hanafin: I do not have a more recent socio-economic breakdown. It would be much easier to get that type of information if one body was responsible for collating it. However, that there are so many different groups with so many different schemes and grants makes it very difficult to collate such information. That is why I am determined to move ahead with this. We have already discussed in the House the whole capital allocation basis. If I am to wait for that to be sorted out, we will never get the unified scheme, which I believe is more important. Given the discussions we have had with the Revenue Commissioners and the Department of Social and Family Affairs, we are now in a position whereby they will be able to help us as regards verification and anti-fraud considerations, data protection etc. As the Deputy says, the talks have been going on for some time. However, in terms of IT systems, some bodies seem to be more capable of dealing efficiently with such matters than others. We have to ensure there is improved compliance and that people have confidence in the system. I am reasonably satisfied we have made sufficient progress to be able to make proposals. I hope to have a unified scheme in place for the 2006-07 academic year.

Ms Enright: I know the legislation has not yet been published, but does the Minister expect to retain control of this system within the Department of Education and Science or is it proposed to move it to the Department of Social and Family Affairs?

Ms Hanafin: Our discussions with the Department of Social and Family Affairs would indicate that it will not end up there. It is important, anyway, that it should be closely linked to the Department of Education and Science. At this

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stage, I do not envisage the Department taking responsibility for it. Other groups such as the IVEA and the local authorities, are currently responsible for some of the schemes. However, the input of the Department of Social and Family Affairs will be crucial.

Mr. Crowe: Has the Minister proposals in hand to increase the age limits for those who may apply under the vocational scheme? The current age is 23 and there are strong rumours to the effect that this will be increased to 25. Even with the age 23 limit, both parents' incomes must be taken into account. Some of those with whom I have spoken are mothers of two or three children who left their family homes a long time ago, yet they must track down their parents or get them to fill in a form as part of their applications. Is the Minister examining this issue in terms of the accessibility of the scheme? While the age threshold may have been sensible eight years ago, it appears antiquated given new types of family formation and so forth. We should encourage, rather than discourage, this group of people to enter education.

Ms Hanafin: The legislation will provide for the unification of the scheme. Obviously, it would not be appropriate to be too prescriptive in legislation as it would need to be amended each time one wanted to change limits, ages and so forth. It is not envisaged, therefore, that such issues will be part of the legislation. We are conscious, however, that times are changing and different needs must be addressed. The Higher Education Authority and National Office of Equity of Access to Higher Education are also examining this issue.

Ms O'Sullivan: I have been told of students queuing in colleges to collect grants for long periods only to find their grant is not available. Will the Minister consider the possibility of providing for money to be transferred directly from local authorities or vocational education committees into students' bank accounts?

Ms Hanafin: There is no doubt that some councils and VECs are much better than others in this regard. Students have been left waiting even beyond Christmas for the initial grant. When I told one student president that I was aware of a student who, in years gone by, survived in Letterkenny on porridge from October to Christmas, he told me students are surviving on pasta which one can now buy for €5 for five kilos.

The current position is outrageous because some counties are slow to transfer grants. A unified scheme will mean a specific body will have responsibility which can then be overseen in the proper manner. I am anxious in the interests of students to have an accountable and fair system, particularly given the number of students — 56,000 — affected. It is important, therefore, that

the €203 million spent on grants each year is properly spent and students receive them when they need them.

Third Level Funding.

55. **Ms O'Sullivan** asked the Minister for Education and Science the main points of third level funding proposals announced on 25 April 2005 under which third level colleges will be required to compete for additional funding; the persons who will decide the way in which the money is to be allocated; the measures which will be put in place to protect independent thought and research; the assurances she will provide that disciplines important to society as well as those important to the economy will be funded; the weighting which will be given to those who promote wider access for lower socio-economic groups; and if she will make a statement on the matter. [19650/05]

Ms Hanafin: As I announced in April, the Government has approved the establishment of a strategic innovation fund which aims to encourage reform and capacity building in the higher education sector in accordance with the recent recommendations of the OECD review of higher education. The fund will promote inter-institutional collaboration to achieve a system-wide approach to supporting wider national goals; incentivise and reward internal restructuring and rationalisation efforts; provide for improved performance management systems; meet staff training and support requirements associated with the reform of structures and the implementation of new processes; implement improved management information systems; introduce teaching and learning reforms, including enhanced teaching methods, programme restructuring, modularisation and e-learning; support quality improvement initiatives aimed at excellence; and promote access, transfer and progression and incentivise stronger inter-institutional collaboration in the development and delivery of programmes.

It is intended that the fund will be competitively awarded on the basis of an independent external evaluation of the quality of proposals, with a requirement for excellence. This draws on the successful principles established for the awarding of funding under the programme for research in third level institutions. Where the PRTLTI supports the development of an infrastructure for excellence in research, this fund will support enhanced capacity in the core teaching and learning function in all areas of the remit of the higher education institutions. The fund will only be allocated to institutions to the extent that the proposals received meet the standard required and achieve the outcomes committed to.

The fund will be created on a multi-annual basis. I have asked the Higher Education Authority to proceed immediately with developing detailed criteria and launching a competitive process for the approval of funding awards with a

view to the drawdown of awards commencing in 2006.

The fund will be structured to ensure current national objectives are adequately reflected. I have previously identified these objectives as including the need to safeguard and reinforce the many roles of higher education and the full diversity of disciplines within it in driving economic development, providing independent intellectual insights and contributing to our broader social and cultural understanding.

The Deputy is aware that access and social inclusion in all areas of education are priorities for the Government. I have stated my belief that the economy and society cannot prosper to their full potential at the expense of any of our citizens. We need as full a participation as we can achieve in third level education. The National Office of Equity of Access to Higher Education has a specific remit to contribute to the formulation of policy in this regard and it is important that the necessary structures within the institutions are in place to facilitate the process of widening access to third level education to all.

Ms O'Sullivan: I thank the Minister for her answer. While I do not doubt her dedication to equality of access or her concern with regard to the inclusion of the many different disciplines, many in the third level sector fear certain disciplines, namely, those more attuned to the economy than society, could benefit more from the fund. Who will make funding decisions? What type of background will they have? Will the decision-making process factor in institutions which have good equality of access programmes and ensure opportunities to participate in programmes are available to people from less well-off backgrounds?

Ms Hanafin: The Higher Education Authority has established the process of attracting and seeking submissions. It will be for the authority, bearing in mind Government priorities and the priorities I have set out, to allocate the funding. I am satisfied that different faculties were included in the distribution of funding for the PRTL and that there was no question of any social element being excluded. This approach will carry through in the distribution of the new fund.

School Transport.

56. **Mr. McGinley** asked the Minister for Education and Science the system of evaluation, which is operational to ascertain the roadworthiness of the school transport fleet, both public and private; and if she has satisfied herself that all buses being used are roadworthy and safe.
[19243/05]

Miss de Valera: All vehicles operating under the school transport scheme are required to meet the statutory regulations as laid down by the Department of Transport. Where vehicles have

more than eight adult seats and are more than one year old, they are required to pass the Department of Transport's annual roadworthiness test. In addition, Bus Éireann vehicles are subject to a programme of scheduled servicing under specified maintenance procedures to ensure the highest safety standards are achieved.

Contractors employed by Bus Éireann are contractually obliged to keep their nominated vehicle in a safe and roadworthy condition at all times. I am satisfied from information available to me from Bus Éireann which administers the scheme that these regulations are being adhered to and that, in consequence, the school bus fleet is roadworthy and safe.

Ms Enright: Given that the Minister answered three questions I did not ask when I raised this matter during Priority Questions, I will repeat my question. When will the original review end? Was it already examining the issues of seat belts and supervision on school buses? What are the timescales for the retrospective fitting of seat belts, bringing on stream the new buses which will be required and arriving at a decision on supervision?

Miss de Valera: With regard to the review to which the Deputy referred, we look forward to receiving the results of the three specific investigations taking place. No doubt any recommendations which may be made in the reports or anything we can learn from the reports will be part of the review. The review was only examining the three for two rule pertaining to seating arrangements with regard to costings because we wanted to determine the exact position in order to phase out the rule. This is the reason we were able to state that the timescale for the abolition of the rule will be within a three-year period. We hope it will be completed sooner than this and will do our utmost to move the issue along.

I have already explained the position with regard to retrofitting. Although the experts must advise us on the issue, the Department has been informed that some buses may be suitable for retrofitting. As I stated with regard to replacement or additional buses, our objective is to ensure they would be fitted with seat belts.

Mr. English: This issue has been discussed for years and reviews have been taking place since 1998, yet no changes have been implemented. As part of this review, which will examine the three for two rule and the use of seat belts and so forth, is consideration being given to the possibility of using brand new, specifically designed school buses? I understand Bus Éireann tested such buses in Navan long before the recent tragedy in County Meath. The buses in question are similar to those used in the United States where it is clear that the school buses are specifically designed for schoolchildren rather than being ordinary buses with a sticker on the back. Such buses give chil-

[Mr. English.]
 dren the respect they deserve. Is the review examining the entire issue of school transport and not only seat belts? When can we expect changes? The tragedy in my home town a few weeks ago has made it urgent that we act on this. It is time to stop passing the buck, with review after review, to start doing things and make changes. What plans are there?

Miss de Valera: Unfortunately, the Deputy was not present when I answered the first and second priority questions.

Mr. English: The Minister of State did not mention special buses, and that is why I am asking the question.

Miss de Valera: I did, I mentioned that we are looking at three different types of buses, as I will say a second time in my reply.

The Deputy referred to reviews. The references to different reviews and reports on the issue are erroneous. The only reference I am aware of to the three for two seating policy and to seat belts was in the report of the Oireachtas committee and we are going further than the recommendations in that report. That committee referred to the three for two policy for primary schools only, but we want to abolish the three for two system for everyone. The Oireachtas committee recommended that seat belts would only be fitted to new buses but we are considering fitting seat belts to the full school bus fleet in the long term. It is our target to ensure that replacement and additional buses will be fitted with seat belts.

We have looked at three types of bus, one of which is built in Donegal, one in Turkey and one in Britain. All these are new school buses that are fitted with seat belts and we are seeking to incorporate them in the school bus fleet.

Mr. English: We should change all school buses to that type. There is no point fitting seat belts in the existing fleet if the Government is going to buy the buses from Donegal or Turkey, which have been very popular with drivers.

Miss de Valera: We want to ensure seat belts are provided for all the school bus fleet in the long term. We are considering retrofitting where applicable and acquiring replacement buses with seat belts and new buses to complement the specific school bus fleet.

School Accommodation.

57. **Mr. Deasy** asked the Minister for Education and Science the amount spent by her Department on the provision of prefabricated buildings at primary level for the 2004-05 academic year; and if she will make a statement on the matter.
 [19739/05]

Ms Hanafin: My Department's records are held on a calendar year basis rather than by academic

year and the information which I am providing reflects that position.

Since the start of 2004, my Department has spent €9.9 million on the purchase of prefabricated buildings at primary level. This expenditure was for the supply and installation of prefabricated buildings, including associated site works and other related costs such as compliance with planning permission conditions, professional fees and connections for water, electricity and sewage. The expenditure represents 2.3% of the total expenditure on school buildings for 2004-05. The total expenditure for 2004-05 on primary school buildings is €441 million.

The demand for additional accommodation in schools has risen significantly in recent years, mainly due to the rapid expansion in teacher numbers, particularly in the area of special needs, the growth in the school-going population in rapidly developing areas and the demands to cater for diversity through the recognition of new gael-scoileanna and educate together schools.

My Department also provides for the rental of accommodation where this is appropriate, such as in the case of newly established schools with provisional recognition, while long-term enrolment viability is being established. The outturn on the relevant subhead in 2004 was €11.3 million. This expenditure is not categorised by accommodation type and I cannot therefore readily identify for the Deputy the portion of that expenditure that may relate to prefabricated buildings.

The current focus within my Department is to empower schools to resolve their accommodation needs, wherever possible, in a permanent manner rather than relying on temporary accommodation. To reduce the amount of temporary accommodation at primary level a new initiative was launched in 2003. The purpose of this initiative is to allow primary schools to undertake a permanent solution to their classroom accommodation needs and to achieve the best value for money. The feedback from the 20 schools in that pilot of the initiative was positive and the initiative was expanded to include 44 additional primary schools in 2004. Over 70 schools have been invited to participate in this initiative in 2005.

My Department has also used other innovative solutions to deliver urgently required permanent accommodation for schools in rapidly developing areas quickly rather than rely on temporary solutions. An example of this is the new 16 classroom primary school for Griffeen Valley educate together national school, Lucan, which was delivered through the use of a design and build contract within 13 months.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann 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 Cowley — to ask the Minister the reason the HSA is not investigating the circumstances of a fatal accident in which a person (details supplied) was killed on 22 December 2004 in County Mayo; (2) Deputy Breeda Moynihan-Cronin — the need for funding to provide child care centres in Ballyferriter, Lispole and Ventry in County Kerry; (3) Deputy Boyle — the need for the Minister to address the crisis in the provision of health services in the Cork region caused by the second resignation of a consultant from Cork City Hospital; (4) Deputy McGuinness — the urgent need to discuss the MRSA crisis; (5) Deputy Finian McGrath — the victimisation of the staff employed by the company GMV; (6) Deputy Michael Moynihan — the lack of progress on the acquisition of a site from the Department of Defence for a school (details supplied) and the reasons for this delay; (7) Deputy Seán Ryan — the need for resources to be made available in a school (details supplied) to provide a language class in September; (8) Deputy Cooper-Flynn — to discuss the reduction by Iarnród Éireann of its freight container business and the implications for the development of industry in the BMW region; (9) Deputy Morgan — that the Minister make a statement on reports of discoveries of asbestos in housing built here in the 1970s and early 1980s; and (10) Deputy Eamon Ryan — if the Minister will outline whether his department has entered discussions with Iarnród Éireann on the future of rail freight in Ireland.

The matters raised by Deputies McGuinness, Breeda Moynihan-Cronin, Sean Ryan and Morgan have been selected for discussion.

Leaders' Questions.

Mr. Kenny: The revelations in the second report of the Morris tribunal about the handling by gardaí of the tragic and, as yet, unsolved death of Richie Barron raise serious questions. I welcome the fact that there will be a debate on the report in the House this week. The report raises serious systems issues about the operation of gardaí at senior level and the relationship between the gardaí and the Department of Justice, Equality and Law Reform. Today, the chairman of the Garda Síochána Complaints Board complained that a wall of silence met investigations into complaints.

Fine Gael believes in a strong, effective and accountable Garda Síochána. The people want to have confidence in the police force, want to see it on the streets and want to know that it is responsive to their needs so that when they call on the force, it will deal with them fairly and speedily, but all recent experiences, unfortunately, suggest the public cannot have that level of confidence.

The Garda Bill, which is awaiting Report Stage in the House, contains a number of measures that could bring about reasonable reform but the Government has failed to convince the Opposition that the contents of the Bill will meet the challenges laid out by Mr. Justice Morris. The Minister promoting this Bill, and the senior gardaí advising him, are intrinsically linked with the issues dealt with by the Morris tribunal. The decision by the Garda Commissioner to transfer five gardaí, who are criticised in the report, to Dublin on full salary has done nothing to bolster confidence that the lessons of the Morris tribunal have been learned.

Public confidence in the Minister for Justice, Equality and Law Reform has never been lower, not least because of his handling of the recent issue of café bars or his reported remarks that Fianna Fáil is a party of cowards and ruthless people, but also because of the general perception of his inability to handle this sensitive brief effectively.

I will make a constructive suggestion that the Taoiseach might consider. Everyone here wants to see a Garda Bill and a force in which the people can have absolute confidence. Will the Taoiseach be prepared to stall the Bill before Report Stage, invite a three person committee, chaired by someone with the experience of Mr. Chris Patten, to look at the Bill in terms of the Morris recommendations and fully address those recommendations and assess whether the structures for handling complaints against the gardaí are in line with best international practice? We all want to see a force that is exemplary in its standards and effective in its methods and that enjoys the full and absolute confidence of all people.

The Taoiseach: The Government takes a serious view of the second report of the Morris tribunal, as it did with the first one. It is a serious concern for everyone that the Garda is properly administered and accountable. We look forward to the debate on the Morris report in the House on Friday. We accept the findings of the report and we will act upon them.

Last year, following the publication of the first report of the Morris tribunal, the Government dismissed a Garda superintendent while another superintendent and a chief superintendent retired. The Garda Commissioner dismissed several members of the force of the rank of garda. The Minister for Justice, Equality and Law Reform, Deputy McDowell, stated clearly the response to this report must go far beyond implications for individual members of the force and that substantial reform is required. I also agree with Deputy Kenny that reforms are required. These are contained in the Garda Síochána Bill which is on its final Stages after much debate.

The Bill provides for the establishment of a Garda Síochána ombudsman commission to investigate complaints against the force indepen-

[The Taoiseach.]
dently. It will also establish a Garda Síochána inspectorate to examine and report on the effectiveness and efficiency of the force. These provisions were introduced in response to the first report of the Morris tribunal. It is also in response to the garda complaints report that also asked for such provisions.

The Minister for Justice, Equality and Law Reform strongly believes that the establishment of these two bodies, together with the general reform of the Garda Síochána and its relationship with the Government, will transform the system of accountability and oversight of the force. He has appointed a committee chaired by Senator Maurice Hayes to oversee the implementation of the Bill as soon as it is enacted. The Minister will introduce an amendment to the Bill to require gardaí to account for their actions as members of the force. This new duty was identified in the report of the tribunal as an additional measure that should be introduced. The Garda Commissioner will soon outline a comprehensive package of management reform within the Garda Síochána in response to the first report of the tribunal.

There has been much comment in recent days on the disciplinary implications for those members concerned below the rank of superintendent. I have been advised that the matter is being examined by the Garda Commissioner. The transfer of Garda members from Donegal is a separate matter from any disciplinary action that may be taken against them. These transfers do not mean that the Director of Public Prosecutions may not decide to prosecute any Garda member involved. This is a separate matter from disciplinary action. We should not prejudge any decision the DPP may take.

Mr. Kenny: I made the suggestion on the basis that if the recommendations of the second report of the Morris tribunal and the extent of the Garda Síochána Bill were examined by a three person committee with international experience, it could report by the end of September which would allow the Government to enact an effective, modern and acceptable Garda Bill by the end of the year. The Taoiseach claims repeatedly that the Minister for Justice, Equality and Law Reform is convinced that his Garda Síochána Bill will work. However, Mr. Justice Morris made recommendations that are not contained in it. Given that the Minister, a former Attorney General, and the gardaí advising him are intrinsically linked with the seriousness of the Morris tribunal, is the Taoiseach convinced that the Garda Síochána Bill will be effective? Is the Government happy that the Bill will work?

Does the Taoiseach wish to put paid to rumours circulating that he had a serious row with the Minister for Justice, Equality and Law Reform about the continuation in office of senior gardaí? People are concerned that another

McBrearty case may occur. They are worried that structures will not change sufficiently to have accountability, transparency and professionalism in the Garda. Morale in the force is down. Those men and women who do their best for the State in their public service as gardaí feel somewhat disillusioned by the wooliness that now surrounds this matter.

The Garda Síochána Bill must be suspended on Report Stage so that it can be analysed and the Morris tribunal recommendations taken into account. It can then be brought before the House before the end of September so that an effective Garda Bill can be enacted. It must be removed from the Minister for Justice, Equality and Law Reform who seems to be hung on a range of other issues.

The Taoiseach: Enormous effort has gone into the Garda Síochána Bill which is on its final Stages. Those key issues all Members want addressed are provided for in the Bill. The ombudsman commission will independently investigate complaints against members of the force. This was a major issue of the second report of the Morris tribunal. Many people will argue that this provision should be in place even if there were no Morris tribunal. The Bill also establishes an inspectorate to examine and report on the effectiveness and efficiency of the force. Other amendments on Report Stage will take account of actions of the force and the issue of when the complaints board meets a wall of silence when investigating, as stated today by Mr. Gordon Holmes. These significant issues will be dealt with in the Bill.

While I wish these events in Donegal did not happen, there are another 120 cases, not just one or two. All Members refer to the McBrearty case. I have met Mr. McBrearty Snr. and I understand the difficulties of the case and that there is a legal case next week. We all have much sympathy for the family. However, there are 120 cases like that one against the State and the Garda starting off against actions in Donegal. How can anyone be happy with this?

The Government wants to see tough action taken. Such events cannot be allowed happen and nobody does anything. This was everyone's concern. The Minister for Justice, Equality and Law Reform has reflected this view time and again and I support him strongly on that.

It is important that the Garda Síochána Bill is passed. The Morris tribunal is not going to end, regrettably, as all matters must be fully investigated. While some of it is hearsay, I understand more difficult matters will emerge. It will still have to be monitored. However, it is best that the Garda Síochána Bill is passed to deal with these issues. As time goes on, we will see if other amendments are necessary. I want this Bill to be put in place quickly so that we can get these mechanisms of accountability and transparency up and running.

Mr. Rabbitte: How can the Taoiseach repeat this to the House given the facts of this matter? When the second Morris report was published, the Minister for Justice, Equality and Law Reform launched it and claimed credit for it. He then stated that the House must facilitate early passage of the Garda Síochána Bill. However, the major recommendation directed to the Oireachtas by Mr. Justice Morris was that we should review the Garda Síochána Bill, not just amend it.

After claiming credit for the report, the Minister for Justice, Equality and Law Reform created another distraction by his selective leaking of correspondence to the Department of Justice, Equality and Law Reform, seeking to blame, as he darkly thundered, those who had their knees under the Cabinet table in 1997. This is the same man who, when Attorney General, went public to say he was very displeased at the length of time it took him to extract documents from the former Garda Commissioner, Mr. Pat Byrne. People who should know better seem to forget that the man did not become Attorney General until 1999. If he could not extract the documents in 1999, how should the members of a previous Government that went out of office in 1997, be aware of this matter? How can this be reconciled with the evidence of his own Secretary General, who gave sworn testimony to the tribunal that the matter was not reported substantially to the management of the Department until 1999? How can the Taoiseach come into the House and state with a straight face that he is honouring Mr. Justice Morris's report when he is doing the exact opposite? The Taoiseach is betraying the Morris report and the work Mr. Justice Morris put into it by not responding to the single recommendation directed to the Government and to this House. The other recommendations pertain to managerial operational issues but the recommendation to review the Garda Síochána Bill was directed to this House.

The Taoiseach then adduces the support of Senator Maurice Hayes — the man charged with implementing it, who has stated that it is rubbish and is unworkable. How will the commission function? The Department has captured the Minister. He creates distractions all over the place with the odd selective leak, the same old style, muttering deep threats about what the Opposition should fear. The Opposition has nothing to fear on this issue. Will the Taoiseach observe Mr. Justice Morris's request for a review of the Bill?

The Taoiseach: Since the first report was published last year, the Minister and his Department have been working on the Bill and on the amendments to the Bill. The Garda Síochána Bill has been passing through the House, and Mr. Justice Morris's statements have not been ignored. If Deputy Rabbitte had been listening to me, I stated that the Minister is now bringing forward

an amendment to the Bill to require gardaí to account for their actions. This issue and a host of other areas which he is examining has been identified by the tribunal. Clearly, the Minister has tried to follow the contents of both reports and to set up the independent investigations Mr. Justice Morris recommends as well as an inspectorate to examine the effectiveness and efficiency of the force.

These are the issues raised as shortcomings in the present system. As recently as today, we heard Mr. Gordon Holmes state in the Garda Síochána Complaints Board report that a wall of silence comes up when one attempts to investigate some of these matters. In this Bill, the Minister addresses these issues. The establishment of an ombudsman commission to investigate independently future complaints about the gardaí, and the establishment of an inspectorate to examine how the Garda works effectively are not insubstantial changes. In addition, the Minister has a host of other amendments the House will debate over the next few weeks. I do not see how he is missing the thrust of the report. The House will have an opportunity to debate the report on Friday and if Members highlight these issues, I am sure the Minister will examine them. Surely however, the kernel of the recommendations is that we must have an ombudsman process and an inspectorate process independent of the Garda to examine issues. This is not dodging the point of independent investigation.

As far as the issue raised about the years 1997 or 1999 is concerned, the Minister has stated that there was a delay in getting some of these files. These relate to matters and details the Minister has dealt with before and are statements of fact as to what happened at that period.

Mr. Rabbitte: That reply entirely distorts what is happening. One amendment is being brought forward to require gardaí to answer for their actions while on duty. It is beyond belief that one must legislate for this. This is not the issue. Mr. Justice Morris studied and assessed the Bill and concluded that the Bill, not a single paltry routine amendment that should not be necessary in the first place, but the Bill itself should be reviewed. The Taoiseach appears to be covering up by stating that an inspectorate and an ombudsman system are being introduced. Nothing of the kind is being done. The word "ombudsman" has been attached to this commission or committee that will deal with these issues. Specifically, on the matter of what Mr. Justice Morris calls legitimate complaints against the gardaí, he has recommended a review of the Bill and the Taoiseach is avoiding that issue. He is also avoiding the issue about the dispute between himself and the Minister following the publication of the Morris report. The Taoiseach did not answer the question. When two senior gardaí were removed on full pension — one must ask the most serious questions about the discipline being imposed for

[Mr. Rabbitte.]
the most heinous negligence on duty, and worse — was any garda officer senior to that pair asked to resign?

The Taoiseach: Deputy Rabbitte cannot state at one point that the Government is not doing what Mr. Justice Morris recommended and then state that gardaí are retiring with their full pensions. Mr. Justice Morris himself stated in the first report, of which Deputy Rabbitte asks us to take account, that implicated gardaí should not lose their pension entitlements. In Mr. Justice Morris's opinion, that would have serious implications for the future investigation.

Mr. Rabbitte: The two gardaí were not in the first report.

An Ceann Comhairle: The Taoiseach should be permitted to speak without interruption.

Mr. Finneran: Deputy Rabbitte had his chance.

The Taoiseach: The second report will be debated in the House on Friday. However, Mr. Justice Morris made it absolutely clear in the first report that he believes — I am sure the same will apply to the second report and perhaps also the third report — that to take away pension rights from people who are implicated——

Mr. Rabbitte: This is a diversion. I am sorry that I mentioned it.

The Taoiseach: No, I am answering the Deputy's question.

Mr. Rabbitte: It is a complete diversion.

The Taoiseach: The Deputy raised the pension issue and will not——

Mr. Rabbitte: No, I raised the question as to whether the Bill will be reviewed.

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

The Taoiseach: I will return to the Deputy's other question in a minute. On the issue of pensions, Mr. Justice Morris stated that people should hold on to their pensions as to do otherwise would have serious implications for the future investigation of disciplinary matters in the force.

Since the first report was published last year, the Minister has reviewed the Bill. His amendments now take into account what the Minister and his Department believe would normally happen. They consider the best way to try to improve the force's accountability and to have an inspectorate to deal with the force. Perhaps the amendment the Minister proposes to introduce on Com-

mittee Stage should not be necessary but it is necessary that gardaí are obliged to account for themselves.

Mr. Rabbitte: The Taoiseach is flimflaming. He is filibustering. What is the answer to the question? Will the Bill be reviewed?

An Ceann Comhairle: The Taoiseach should be permitted to speak without interruptions.

The Taoiseach: The Bill has been reviewed for the past year. The Garda Complaints Act has been around——

Mr. Rabbitte: The report was published last week.

An Ceann Comhairle: Deputy Rabbitte has had his opportunity.

The Taoiseach: The first report was published last year.

Mr. Rabbitte: The Government would not agree to a debate.

An Ceann Comhairle: Deputy Rabbitte should permit the Taoiseach to speak without interruption.

The Taoiseach: There will be a debate in this House next Friday. However, the first report came out last year and the Minister has taken full account of these issues——

Mr. Rabbitte: One recommendation.

The Taoiseach: ——and has taken account of the ombudsman and the inspectorate and a series of other amendments that will be debated in this House before the end of this session.

Caoimhghín Ó Caoláin: Does the Taoiseach support the failure of his Minister for Justice, Equality and Law Reform to take any effective action on foot of the Morris tribunal reports? Does the Taoiseach stand over the situation, which I can only describe as adding insult to injury, where we see corrupt gardaí not being at the very least, suspended pending prosecution, but being allowed to resign, perhaps even being invited to do so and being transferred to other divisions including to Garda headquarters? Does the Taoiseach agree that it is a scandal that no one has been held to account for the Garda ill-treatment of both the McBrearty and McConnell families and other families in County Donegal and elsewhere? Does the Taoiseach agree that it is a scandal the assassination of Councillor Eddie Fullerton has been wilfully ignored by his Minister who only reluctantly agreed to allow an examination of the Garda's own investigation and has now advised this House that he will not allow the findings enter the public arena? Does the

Taoiseach not believe that, with all the evidence pertaining to collusion in the death of Councillor Fullerton and the fact that he was a public elected representative, a high-profile case, this is an incredible position for this so-called Minister for Justice, Equality and Law Reform to take? Does the Taoiseach back a Minister who is happy to see gardai avoiding prosecution for framing innocent people, while at the same time this week he will seek the renewal of the Offences Against the State Act, which will see citizens coming before courts and convictions being sought solely on the word of a garda officer? To restore confidence, many issues must be addressed. Is the Taoiseach aware of the Minister's profound incompetence in regard to justice policy where he continues to employ what can only be described as gimmicks and exhausted exercises which have proved useless in other jurisdictions, such as anti-social behaviour orders, electronic tagging, mandatory drug testing and prison privatisation? Does the Taoiseach not believe that, with all this evidence and much more pointed at the Minister for Justice, Equality and Law Reform, it is time — this is a constructive proposition — to invite him to hand in his resignation and replace him?

The Taoiseach: Disciplinary implications for members below the rank of superintendent are being examined by the Commissioner, so it is not the case that there is no disciplinary action. As I said, the transfer of members from Donegal is a completely separate matter from any disciplinary action that might be taken. This does not rule out that the Director of Public Prosecutions may decide to bring a prosecution against any member. The information in the Morris report is available to the DPP who is totally independent of the Minister. It would be inappropriate for the Minister to have any influence over the DPP in these matters. He has no say whatever in bringing prosecutions on these issues. It is incorrect to in any way blame the Minister on these issues.

As I said, last year there were dismissals and resignations from the force when the first report came out. Following the recent report, two members at superintendent level have indicated that they will retire. The Garda Commissioner said that not only will he shortly bring forward disciplinary actions but he will also outline a comprehensive package of management reforms. None of those issues is being ignored.

On the late Councillor Eddie Fullerton from Buncrana, the family has asked the Department to look at the case and I am aware of its long-held views on issues of collusion. I have no doubt those matters will be considered by the Minister.

I repeat that issues of accountability and of appointing an ombudsman were considered at length following the first report as were the options in respect of a complaints procedure. The Government considered all the options and came down in favour of a three-person ombudsman commission because with police ombudsman

institutions there does not have to be a single person in charge and the complaints systems in other states have commissions with more than one person sitting on them — there are nine commissioners in the UK. Having a three-person commission, therefore, increases the chances of having an internal debate, which is welcome, before a decision is taken on matters of complaint. This is a considerable strengthening of the process that is there. It will certainly help matters in the future. The House should, and will, support these proposals.

Caoimhghín Ó Caoláin: The Taoiseach's defence of the Minister will rest very uncomfortably with many on the Government backbenches who have clearly flexed themselves in regard to the Minister's recent kite-flying *vis-à-vis* café bars. I am sure they feel the same disdain in regard to much of what the Minister says, many of them certainly on his utterances on asylum seekers because those utterances have clearly fuelled bigotry and racism. Does the Taoiseach agree with the Minister for Justice, Equality and Law Reform's statement on last night's "Questions & Answers" programme that immigration is all about money? Does he not agree it is all about people?

An Ceann Comhairle: The question is about the Morris tribunal and it is not appropriate to raise a second matter.

Caoimhghín Ó Caoláin: If it has not been apparent, my question is about the Minister for Justice, Equality and Law Reform. I have covered a number of issues in regard to this gentleman's portfolio and area of responsibility. Is the Taoiseach not also concerned about the deportation of children who are Irish citizens? What will happen when these children come of age—

An Ceann Comhairle: That question does not arise. The question is about the Morris tribunal.

Caoimhghín Ó Caoláin: I am sorry, the question is not about the Morris tribunal.

An Ceann Comhairle: The Deputy cannot raise other matters.

Caoimhghín Ó Caoláin: I am the author of the question during Leaders' Questions, a Cheann Comhairle, not you, and it is my prerogative to ask a question of my choice.

An Ceann Comhairle: It is clear under Standing Orders that one topical issue may be raised.

Caoimhghín Ó Caoláin: One topical issue is the conduct and suitability of the Minister for Justice, Equality and Law Reform and the fact that the evidence I have highlighted demonstrates he is clearly unfit for that office. Will it not be the case

[Caoimhghín Ó Caoláin.]
that we will see young Irish-born citizens taking cases against this State and a future Government will clearly have to face the consequences of the Minister's actions? How does the Taoiseach explain the Minister's absence during the course of the entire Disability Bill through the House? He was not even here to participate in a Bill that bore his name—

An Ceann Comhairle: I ask the Deputy to resume his seat.

Caoimhghín Ó Caoláin: —nor did he vote.

An Ceann Comhairle: Your time has concluded.

Caoimhghín Ó Caoláin: I am concluding.

An Ceann Comhairle: The Deputy cannot go over different topical issues.

Caoimhghín Ó Caoláin: I am talking about the same issue.

An Ceann Comhairle: You are not.

Caoimhghín Ó Caoláin: The Minister did not even vote on a Bill that bore his name.

An Ceann Comhairle: The Deputy raised a question on the Morris tribunal.

Caoimhghín Ó Caoláin: This is not about resignation, it is time the Taoiseach had the courage to dismiss him.

Mr. Morgan: Do not try to defend the Minister, a Ceann Comhairle, he is not worthy of it.

Mr. Howlin: It should be put to a vote at the parliamentary party meeting.

The Taoiseach: Many questions were asked and I will give a short answer.

Aengus Ó Snodaigh: The Taoiseach should answer the last question.

The Taoiseach: It is fairly obvious that Deputy Ó Caoláin does not like the Minister for Justice, Equality and Law Reform.

Mr. J. O'Keeffe: He has a lot of company. The Taoiseach should look over his shoulder.

The Taoiseach: I believe that the Minister acted properly in regard to all the matters raised and I fully support him.

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.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to discuss an issue of urgent local and national importance, namely, the urgent need for the return of Nkechi Okolie and her three children to Castleblayney, County Monaghan, which was refused in Dáil Éireann on 22 March. The facts highlighted by "Prime Time" last Thursday night show clearly the need to bring this mother and her three children home to Castleblayney.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance and concern, namely, the allegations of victimisation of staff at a company, breaches of basic employee rights, staff being expected to work between eight and ten weeks without payment, allegations of sexual harassment and the urgent need for the Minister for Enterprise, Trade and Employment to investigate these serious complaints and the need for the truth to come out on this important matter.

Mr. Boyle: I seek the adjournment of the Dáil under Standing Order 31 to raise an issue of urgent public importance, namely, that the Minister for Health and Children address the crisis in the provision of health services in the Cork region caused by the second resignation in as many months of a consultant from a Cork city hospital for reasons of inadequate support services.

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of urgent national importance, namely, the rip-off of PAYE taxpayers by the cynical reduction of the amount of refuse charge payment allowable against income tax to €195 per annum when refuse charges now run at an average of €350 per annum and to allow the Minister for the Environment, Heritage and Local Government to make a statement on the matter.

Ms Cooper-Flynn: I seek the adjournment of the Dáil under Standing Order 31 to discuss an issue of urgent national importance, namely, the reduction by Iarnród Éireann of its freight container business and of the progressive cut back in its overall freight business and the consequent implications for the development of industry in the Border, midland and west region.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public concern, namely, the fact that so-called targeted supply subsidies such as sections 23 and 50 tax reliefs are having a serious negative impact on the ability of people, in particular first time buyers, to secure housing in their own communities by contributing to house price inflation by increasing demand from investors and the necessity for the relevant Ministers to explain to the House why they failed to

act once the negative impact of these tax reliefs became evident.

Mr. Neville: I seek to move the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent national importance, namely the absence of a sexual assault medical unit available in the mid-west region, the consequent need for rape victims from the region to travel to Cork for forensic examination in the aftermath of an attack and the refusal of the Department of Health and Children to finance the unit on a 50:50 basis with the Health Service Executive in the mid-west.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of major national importance, namely the continuing loss of life on our roads due to the grossly underestimated effect of road conditions and road works on fatal and serious road traffic accidents and to demand that the NRA, the HSA and local authorities properly carry out their statutory responsibilities.

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

Order of Business.

The Taoiseach: It is proposed to take No. 13, motion re referral to select committee of proposed approval by Dáil Éireann of a report by the Minister for Defence pursuant to section 4 of the Defence (Amendment) Act 1993; No. 20, Civil Service Regulation (Amendment) Bill 2004 — Order for Report, Report and Final Stages; and No. 21, Driver Testing and Standards Authority Bill 2004 — Second Stage (resumed). It is proposed, notwithstanding anything in Standing Orders, that No. 13 shall be decided without debate. Private Members' business shall be No. 51, motion re licensing of café bars.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with No. 13, motion re referral to select committee, to be decided without debate, agreed?

Mr. Sargent: It is not agreed. No. 13, which relates to the involvement of the Irish Army in the United Nations, is a motion which I and the Green Party consider needs to be debated in this House, on the basis of consistency. If the Dáil is required to provide approval for the role of the Irish Army, it seems obvious and logical that we should also debate the role of the Army, taking an interest in its important activities overseas.

Question, "That the proposal for dealing with No. 13 without debate be agreed", put and declared carried.

Mr. Kenny: I wish to ask the Taoiseach two questions. The Parental Leave (Amendment) Bill went through the Seanad last December and it was supposed to be before this House last month. Given that I understand there are only three sitting weeks remaining, is it likely that Bill will arrive here before the summer recess?

I note from newspaper reports the intention of the Government Whip to introduce shortly proposals on Dáil reform. When the Taoiseach answers questions on Leaders' Questions Ministers have been known to whisper or pass notes to him. It seems the Whip is proposing it will become a Ministers' question time instead of a Leaders' question time. When does the Taoiseach propose to introduce proposals for Dáil reform and will they include the Taoiseach's attendance here on Thursday mornings? He will be absent tomorrow and Thursday, and I understand the reason for that, but he will have only four more appearances here before he will glide off into the sunset of the summer. Now that the Minister for Defence is back from Kosovo I suppose the Taoiseach will be reinforced in the security that surrounds him.

Mr. Durkan: The Minister came by Oola.

The Taoiseach: On the Deputy's first question on the Parental Leave (Amendment) Bill, it will not be ready before the summer, it will be the autumn before it is completed.

Mr. Stagg: On the matter of Dáil reform—

The Taoiseach: On the Dáil reform proposals, I understand they are the subject of discussion between the Whips.

Mr. Stagg: They are the subject of announcements by the Taoiseach's Whip.

The Taoiseach: There were no announcements.

Mr. Stagg: I read them in a newspaper.

The Taoiseach: A proposal was put forward that in addition to Leaders' question time, Ministers would deal with other topical issues. That sounded like a sensible proposal, rather than taking some of these issues on the Adjournment at 11 p.m., but that is a matter for Members to discuss. I will be here on Tuesdays and Wednesdays, but I will not be here on Thursday.

Mr. Kehoe: The Taoiseach will not open any café bars.

The Taoiseach: Not a hope. As long as I can get a drink in a restaurant, I will be happy. What I outlined is the subject of the proposals. It is purely a matter for the House whether it wants to reach agreement on that, otherwise we will continue as at present. There are some good proposals and it would be useful if the Whips could

[The Taoiseach.]
complete their consideration of them so that in the autumn session we can deal with them. I will not seek parity with that of Prime Ministers in other countries and only come to Parliament every six or seven weeks. I am happy to come in here.

(Interruptions).

Mr. Rabbitte: That is just as well as a number of them are on very shaky ground.

The Taoiseach will remember telling the House that if the Minister, Deputy Martin, had read his brief it would have saved the country €50 million. The Tánaiste told us on 12 May that failure to sign regulations was costing approximately €12 million a month — that amounts to approximately €144 million a year. If the Minister, Deputy Martin, had read his papers, he would have saved the Taoiseach the best part of two years—

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

Mr. Rabbitte: I do, Sir. I anticipated the Ceann Comhairle would ask me that. The Tánaiste said on 12 May that she would be signing the regulations next week, but to the best of my knowledge, they have not been signed. When is it proposed to sign them?

The Taoiseach: I do not have a date. I will have to check with the Tánaiste when the regulations are to be signed.

Mr. Sargent: Given that the Taoiseach is heading to Brussels for the European Council meeting — he will be absent from the Dáil between now and then effectively — and that the Twenty-Eight Amendment of the Constitution Bill has been published, would it not be logical that the House would have an opportunity—

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

Mr. Sargent: —at least to be consulted in advance of the meeting with the other Heads of State? How can he represent this Parliament otherwise?

An Ceann Comhairle: I call Deputy Crawford.

Mr. Sargent: Will the Taoiseach allow us that opportunity?

An Ceann Comhairle: A debate on that matter is not promised.

Mr. Boyle: The Bill is promised.

Mr. Sargent: The Bill has been published. Will the Ceann Comhairle facilitate the Taoiseach to answer the question?

Mr. Boyle: Will we debate the Bill?

The Taoiseach: It will be taken this week.

Mr. Sargent: That is disgraceful.

Mr. Crawford: In light of the ongoing problems in the health service, when will the health Bill and the nurses amendment Bill be discussed in the Dáil?

Will the Taoiseach congratulate Kevin McBride on beating the odds given in the media?

The Taoiseach: The health Bill, which is to provide for the establishment of the Health Information and Quality Authority and the Social Services Inspectorate on a statutory basis, will be before the House this year. The nurses amendment Bill is to update the provisions on the regulation of nurses and midwives. I do not have a date for the introduction of that Bill.

Mr. Howlin: When will a Bill that has been promised by two consecutive Ministers over a period of three years, the work permits Bill, be published and brought before the House? Is there a prospect that it might be debated before the Dáil goes into recess.

The Taoiseach: It is to be published this session, although I do not know if we will reach it.

Mr. Howlin: In the next three weeks.

The Taoiseach: Yes, I understand it is almost ready.

Caoimhghín Ó Caoláin: The Minister for Health and Children recently signalled her intention to provide yet further resources for the private health industry, that is, the provision of land adjacent to public hospitals for private hospital facilities. Will this require legislation and, if so, when does the Taoiseach expect it will be introduced?

The Taoiseach: Not at this stage. When it is formally cleared by Government it may require legislation but at this stage no legislation is promised.

Mr. Durkan: I was going to ask the Taoiseach for a progress report on the beauty treatment but perhaps we should wait to see how it progresses and I was going to inquire what it entails but it is not promised legislation just yet.

An Ceann Comhairle: The Deputy should ask a question on promised legislation.

Mr. Durkan: I was wondering what process it followed such as whether it was eyeliner to raise the eyebrows of ministerial colleagues or whatever. I advise the Taoiseach to be careful of the vanishing cream.

In regard to promised legislation, the energy (miscellaneous provisions) Bill has been promised for some time with little energy attached to progressing it. The Minister with responsibility for that area, like many other Ministers, is not present. Is it intended to debate it in the House before the recess? Is there any intention to bring the national oil reserves agency Bill before the House as a matter of urgency, energy being a moot subject at present with energy prices rising at an alarming rate?

The Taoiseach: The energy (miscellaneous provisions) Bill will be published this session and the national oil reserves agency Bill will be published in the autumn.

Ms Burton: Has the Taoiseach had an opportunity to study the recent comments of the judge who described it as extraordinary that the Government gave a €62 million public asset to—

An Ceann Comhairle: Has the Deputy a question on legislation?

Ms Burton: I have.

An Ceann Comhairle: The Deputy should come to the legislation as time is moving on.

Ms Burton: This is a €62 million asset.

An Ceann Comhairle: That matter does not arise. I call Deputy Cowley.

Ms Burton: The Government has promised legislation, namely, the Abbotstown sports campus development authority Bill.

An Ceann Comhairle: The Taoiseach should respond on that Bill.

Ms Burton: If we do not get an answer on this issue we will think the Taoiseach's make-up—

An Ceann Comhairle: The Deputy should allow the Taoiseach to answer her question on the legislation.

The Taoiseach: The legislation will be published this session.

Dr. Cowley: People going about their business and breaking no laws are put in mortal danger and many young people have been killed.

An Ceann Comhairle: Has the Deputy a question on legislation?

Dr. Cowley: I have.

An Ceann Comhairle: What is the legislation?

Dr. Cowley: Many more will be killed because of the failure to implement basic regulations and the failure to investigate these cases.

An Ceann Comhairle: I call Deputy Gilmore.

Dr. Cowley: Is there any upcoming legislation to ensure these basic regulations are adhered to by the National Roads Authority, the Health and Safety Authority and the local authorities?

An Ceann Comhairle: The Deputy should name the legislation on which he wants an answer.

Mr. Gilmore: On the previous occasion I asked the Taoiseach about the possibility of a debate on the many reports on housing published in the past two years, he indicated that the Government was preparing some proposals in this area. Has the Government concluded its preparation of these proposals, will they be brought before the House and will we have a debate on the various housing reports before the end of the session?

The Taoiseach: I hope the Government's work in this area will be finished before the end of the session but I cannot be certain. I accept I promised the Deputy a debate.

Mr. Gilmore: Is this a promise the Taoiseach will keep?

The Taoiseach: I keep them all. We will try to have it finished before the end of the session. As I said previously, I would prefer to have the debate when the proposals have been prepared but if that is not possible, we can debate the reports in any event. I will try to have the proposals prepared before the break.

Defence (Amendment) Act 1993 Report: Referral to Select Committee.

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

That the proposal that Dáil Éireann approve the report by the Minister for Defence pursuant to Section 4 of the Defence (Amendment) Act 1993, copies of which were laid before Dáil Éireann on 11 November 2004, be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (1) of the Orders of Reference of that committee, which, not later than 28 June 2005, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

**Civil Service Regulation (Amendment) Bill
2004: Order for Report Stage.**

Minister of State at the Department of Finance (Mr. Parlon): I move: "That Report Stage be taken now."

Question put and agreed to.

**Civil Service Regulation (Amendment) Bill
2004: Report Stage.**

Ms Burton: I move amendment No. 1:

In page 6, line 6, to delete "and Terms of Employment".

The Minimum Notice and Terms of Employment Acts deal only with notice and no longer deal with terms of employment. Terms of employment are dealt with in a separate Act, the Terms of Employment (Information) Act 1994. Therefore, we are seeking to amend the collective citation to delete the misleading reference to terms of employment.

Minister of State at the Department of Finance (Mr. Parlon): It would appear that the purpose of this amendment is to provide for a change in the name of the Minimum Notice and Terms of Employment Acts 1973 to 2001. We approached the Attorney General's office on this matter and were advised that the citation used in section 1(4) of the Bill is correct. While it is the case that sections 9 and 10 of the Minimum Notice and Terms of Employment Act 1973 relating to terms of employment have been repealed by the Terms of Employment (Information) Act 1994, the title of the 1973 Act remains unchanged. This is due in part to the fact that there are a number of subsequent pieces of employment legislation containing provisions which directly relate back to the 1973 Act, certain sections of which are to be construed as part of that Act. In any event the Title of legislation cannot be amended retrospectively on the basis that the citation contained in the Bill is correct. Therefore, I cannot accept the Deputy's proposed amendment.

Amendment put and declared lost.

An Ceann Comhairle: Amendments Nos. 1a and 18 are related and may be discussed together.

Mr. Bruton: I move amendment No. 1a:

"4.—The Principal Act is amended by inserting the following new section after section 4:

"4A.—The Minister for Finance shall on 31 March 2005 and annually thereafter, cause a report relating to modernisation and human resource management in the public service to be laid before each House of the Oireachtas detailing—

(a) the progress in delegating responsibility to local managers,

(b) the targets and accountability systems relating to delegated responsibility,

(c) the performance appraisal systems and associated procedures for promotion, reward or tendering,

(d) the opening up of competition for posts,

(e) the human resource management effects of relocation, and

(f) progress made in the strategic management initiative.'".

This amendment goes to the heart of the Civil Service Regulation Bill which sets about modernising the system of management within the public service in order that we will have proper strategic accountability from the public service. Most of us were amazed that the Bill we are debating is designed to implement legislation passed in 1997. Clearly there is a problem with the speed with which the reform process is occurring within Department. My amendment seeks to have laid before the Houses of the Oireachtas each year a report relating to modernisation and human resource management in the public service that would set out the progress in delegating responsibility to local managers, the targets and accountability systems relating to delegated responsibility, the performance appraisal systems and associated procedures for promotion, reward or tendering, the opening up of competition for posts, the human resource management effects of relocation, and progress made in the strategic management initiative.

The reason it is important to debate the matter again on Report Stage is that the Taoiseach had an assessment conducted by the PA consulting group in March 2002. Even the greatest fans of the public service would say this was a poor report. Right across the board there was damning evidence that the momentum for serious strategic management reform had been lost. Page after page cited a lack of adequate understanding, processes and delegation. There were serious problems. That was in 2002 and undoubtedly things have moved on.

Recently we had before the Joint Committee on Finance and the Public Service those senior public servants dealing with strategic management. Without seeking to put words into people's mouths, a consensus emerged that the strategic management initiative had not succeeded in putting high level targets in place for which people would be accountable. We were not seeing the level of progress nor was there a level of buy-in in the system nor teeth to make it happen. Against this background the responsibility falls on the Oireachtas to create the momentum for that sort of change and to strengthen the hand of

many in the public service who want to see progress on this front. They want a modern human resource strategy that will promote people on merit, will not restrict positions because it is muggins turn and will not turn away innovation coming from outside the public sector. It is important that this House and also the Minister of State takes its courage in its hands. The Minister comes from a party which has a strong commitment to reform and to breaking the mould, in that party's own words. Most people agree the mould has not been sufficiently broken to allow a modern approach to public service management, accountability and decisions.

I regard it as alarming that the Government expenditure review process had ground to an ignominious halt. The important issues of delivery of service and giving good value for money had been allowed to be put onto the back burner. To give the Department of Health and Children a complete exemption from any expenditure review is in my view a condemnation of the approach to public spending. This matter was the subject of a good debate and the Minister of State on Committee Stage admitted the need for more momentum in this area. I am hopeful he will accept this amendment which I am sure he has discussed with his colleagues in Government.

At his recent appearance before the Joint Committee on Finance and the Public Service the Taoiseach gave us to believe that his commitment was to see far greater reporting of this nature to the Oireachtas. This is the time for the Minister of State to step up to the plate and accept it is time for change. The acceptance of these amendments is as good a way as any for starting the momentum of change.

Mr. Boyle: My amendment No. 18 has been grouped for discussion with Deputy Bruton's amendment No. 1a. While his amendment is comprehensive in its scope, my amendment seeks to address an issue which is at the core of this Bill but also a core means of defining the Civil Service and enabling it to be modernised. One of the many difficulties associated with the reform of the Civil Service is the failure to address the central philosophy that the Civil Service can and should be generalist in its make-up. We live in a fast-changing society where specialisms are required more frequently. My amendment proposes the Minister of State should present an annual report on the proportion of civil servants in specialist grades and who undertake specialist functions on behalf of the State.

This is increasingly a matter of more importance as the Minister of State is probably finding out daily when he surveys the wreck that is the Government's decentralisation policy. Those who apply for positions outside the Dublin area are hopelessly mismatched against positions requiring to be filled in various locations. Without an effective audit of the specialised and general skills within the Civil Service, the fear is that not only

will the Civil Service be spread-eagled across the country in different locations but it will be quite unbalanced in terms of the skills of the people in Departments and State agencies.

The Minister of State should accept this amendment because it is vital for the future health of the Civil Service to have civil servants in specialised grades. This failure of recognition has caused significant sums of money to be lost in the past. I speak as a member of the Committee of Public Accounts. Issues as wide-ranging as residential institutions redress and the failure to properly account for the granting of medical cards to the over-70s show a lack of people with negotiating skills or skills vital to the business of Government. My understanding is there are no more than three people in the whole Civil Service employed in actuarial roles, one of whom works for the Pensions Board, the second in the Department of Social and Family Affairs and I presume the third can be found in the Department of Finance. There does not even seem to be a template in existence of what specialisations are needed in the Civil Service. This Bill does not define which specialisations might be required in the future, nor how they can be accounted and planned for and is therefore flawed legislation unless this amendment is accepted. On those grounds I am anxious to hear the Minister of State's response and whether he is willing to accept this amendment and avoid future misexpenditure, which is the grammatically incorrect but proper term. Lack of appropriate political leadership has seen money being misspent by the Civil Service in the recent past. There is a need to have people with specialised skills in place to serve the country and the Civil Service in the future.

Ms Burton: I support the amendments proposed by Deputies Bruton and Boyle. It is fortunate the House is taking Report Stage of this Bill in the aftermath of what we now know as a result of the Morris report, the Travers report, the ongoing information which is slowly but surely emerging about the national aquatic centre and the structures adopted to give a €62 million public asset to a company originally registered in the British Virgin Islands with a share capital of €127. What my two colleagues are asking for in their amendments is perfectly reasonable and sensible. It is particularly so in the context of last week's report by the Ombudsman which has shown that the Freedom of Information Act has pretty well collapsed, as this Government intended. With the collapse of freedom of information under the *Fianna Fáil* — PD Government and the closing of the light, it should be remembered the opening of the concept of accountability in freedom of information was a critical feature of this country beginning to prosper from 1994 onwards. This was a period of opening up and of letting in the light.

The Government proposes in this Bill to shift the power of firing significantly to the senior ech-

[Ms Burton.]

elons of public service management, but — this is significant — there is no corresponding provision for public accountability of the performance of those senior Civil Service managers. By closing off the Freedom of Information Act and the right to information, whether by citizens, journalists or by Members of the Dáil, there is a concentration of power without accountability in the hands of Ministers and in particular in the hands of senior Civil Service managers. I will happily support these amendments.

Caoimhghín Ó Caoláin: I also support both amendments. However, along with Deputy Boyle, I am somewhat at a loss in not having a copy of amendment No. 1a. While these amendments may have been placed in our pigeonholes while we were here for earlier business, would it be possible that they could be circulated? Having listened to Deputy Bruton's contribution I accord with what he said. I also support the proposition of Deputy Boyle.

Without repeating what has been said, we need a greater and clearer profile of all who work within the Civil Service. The proposal for an annual report to indicate the breakdown of those with specialist responsibility would be useful and would better inform Members of both Houses of the Oireachtas. It is critical to have a sense of the number and proportion of the overall Civil Service employment coded as specialists and with specialist responsibility, and the projections for same for future years. I support the amendments as presented and I thank the usher for the distribution of a copy of amendment No. 1a as referred to.

Mr. Parlon: The Deputies' proposals seek to introduce an additional system to monitor progress on the agenda for modernisation and human resource management across the Civil Service. As Deputy Bruton said, we had a substantial debate on the issue on Committee Stage at which time I said that we already have a comprehensive and elaborate structure for monitoring progress in these and other areas of the modernisation programme. These have been introduced under the Civil Service modernisation programme, which sets out an accountability framework for Departments and offices. I am satisfied this is appropriate for the structure and nature of Civil Service modernisation.

The framework is set out in the Public Service Management Act 1997 which provides that the Secretary General or head of office must prepare and submit to the Minister a strategy statement in respect of the Department or scheduled office every three years or whenever a new Minister is appointed. Under the Act, annual progress reports on the implementation of the strategy statement must be submitted to the Minister. This system, while providing a legislative framework for monitoring performance, also allows Depart-

ments the flexibility to update and change priorities continually in response to specific demands. We clearly already have a well embedded and effective framework for accountability, which is examined and strengthened on an ongoing basis. By specifying the areas where Departments and offices should report on progress, the Deputy's proposal would constitute an excessively inflexible and bureaucratic reporting mechanism.

I would like to comment briefly on the progress that has been made and the monitoring arrangements in place in respect of some of the areas mentioned in Deputy Bruton's amendment. The amendment refers to progress in respect of delegation to line managers. The extent of devolution is a matter to be decided by individual organisations as it differs depending on the size and structure of the organisation and the nature of the policy issues involved. Reporting in this area would be particularly burdensome as different levels of delegation are appropriate in the areas of human resource management and financial management.

Similar issues arise with Deputy Boyle's amendment. The Civil Service employs specialists as and when required. Needs differ from Department to Department and from office to office, and management must have the flexibility to determine the skills required to carry out the business of the organisation on an ongoing basis in line with the devolved reporting structures I have just set out. It would therefore be unduly restrictive to the work of Civil Service organisations to require the Minister for Finance to announce annual targets for the employment of such staff.

The amendment also includes a reference to targets and accountability systems relating to delegated responsibility. Departments and offices have installed management information systems and human resource management systems which are necessary to ensure increased accountability and which will facilitate further delegation. Progress in respect of both these systems is monitored frequently by a number of different bodies, including my Department, and the implementation group of Secretaries General. Additionally, given the high priority of strengthening the financial management information available, each Department makes quarterly reports to departmental management advisory committees and to the central management information framework unit in the Department of Finance as well as biannual reporting to Government.

Strong emphasis is placed on strengthening the accountability framework in place in the Civil Service through improvements to the budgetary process. Following his announcement in the budget for 2005, the Minister for Finance is considering a number of options which will improve the quality of debate and the data available to the House on the budget and the Estimates. Developments in respect of the management information framework, the expenditure review

initiative and the pilot project on resource allocation and business planning will inform this process. The increasing focus on the use of outputs and outcomes in accounting for public expenditure will contribute to strengthening further the accountability framework in the Civil Service.

The amendment also referred to progress on performance appraisal. This is monitored on an ongoing basis centrally by the implementation group. Additionally, a comprehensive report, Evaluation of the PMDS in the Civil Service, was recently published by Mercer Human Resource Consultants, and is available to the public. Following the survey, it has been agreed to link the performance management and development system with other HR processes such as increments, promotion and progression to higher salary scales. This will considerably strengthen the focus on accountability at individual level.

The amendment also suggested that progress regarding opening posts to non-civil servant applicants should be included in an annual report. Progress in this area is already monitored by my Department. Progress has been made since the provision was agreed as part of Sustaining Progress and we continue to work on the matter.

These examples illustrate that sufficient mechanisms are in place to monitor progress in the areas proposed by the Deputies. The accountability framework in place under the strategic management initiative, which includes the Public Service Management Act 1997, strategy statements, annual reports and PMDS, puts in place the framework for assigning accountability at all levels of the organisation. It is more appropriate to build on and strengthen existing arrangements, as we are doing in respect of the budgetary process, for example, than to duplicate them unnecessarily and add to the administrative burden. The proposed amendments would restrict the policy of increasing devolution and accountability which is central to the modernisation programme. For these reasons I do not accept the amendments.

Mr. Bruton: When he was president of the IFA, did the Minister of State ever think he would come in here and give a "Sir Humphrey" answer of the nature of the one he just read out? He has informed us that being accountable to democratically elected people here would be burdensome and inflexible and would put the public service into a straitjacket. Where is the great zeal he had in the past for demanding results and demanding performance from the public service? Now that he has a chance to do something about it, he says that it cannot be done as it would be too upsetting to many people and that we already have many accountability structures. These are so vast that no one can understand them at any one time.

In reality, spreading accountability through reporting to different bodies and monitoring committees but never to the Dáil means that

elected Members do not have the capacity to hold public servants accountable in any meaningful way. We need to drill down to make those specifically responsible come before us and account for the way in which devolution is occurring and the way in which the SMI is being delivered, which is not happening. On any fair assessment we are not achieving from the public service the sort of pace of reform to deliver value for money and high performance. Public servants need such a system and need the pressure of accountability from the Oireachtas to deliver such performance. The Minister of State is standing with his finger in the dyke claiming it cannot happen. If the Minister of State casts his mind back a few years, could he have believed he would deliver such a reply in the House when the occasion for addressing public service accountability arose?

Mr. Boyle: Perhaps what the Minister of State has said is based on his own experience in dealing with civil servants in the Department of Agriculture and Food over the years. In his reply he has confirmed the need for my amendment. In saying that civil servants acquire specialised skills as and when they need them, he has exposed a major flaw at the heart of how the Civil Service is organised. Surely the Civil Service requires specialised skills at all times. It also undermines the Government's obsession in seeking external so-called expertise to fulfil roles that could be played quite adequately by a properly resourced and skilled Civil Service. The Government is willing to use consultants at every opportunity to confirm its own prejudices, rather than having a proper thought out policy conducted through a properly structured Civil Service. In his response, the Minister of State confirmed a prejudice towards a properly resourced and fully functioning Civil Service that is at the heart of this Government. This Bill is not about reforming the Civil Service, but another chapter in an ideological free market approach to how the Government should be involved in services. If the Minister is not willing to examine the specialised skills we have in the Civil Service, those that we need and how we are to monitor them to improve quality, then I wonder if this Government believes in government as it is meant to be.

Mr. Parlon: Deputies Boyle and Bruton raised the issue of my experience in dealing with the Civil Service. The improvement in the service delivered by the Department of Agriculture and Food in the last six years has been magnificent. The civil servants now deal with individuals and they deliver a superb service. During the recent closing period for applications for the single farm payment, the offices stayed open throughout the weekend and until midnight on Monday.

The administrative burden has been massive and we are trying to strengthen the arrangements we have. What is being proposed in the amendment would only add to the administrative bur-

[Mr. Parlon.]

den we are trying to eliminate. We have had SMI, strategy statements, annual reports and PMDS. If we improve on those, we will have a much more efficient Civil Service.

Mr. Bruton: The Minister's approach is extremely disappointing. He is praising the systems which were described as not working in a recent report he presented to us. The report stated that the roll out of the management information system is still at a relatively early stage and that the link between financial analysis and decision making remains relatively weak. If we want to support public servants who are advocating change, we must have a system that illustrates that work at this level. All of the systems described by the Minister, such as the strategic management books, are never narrowed down to five simple targets. I asked Ministers what were their top five strategic targets. Not one Minister could name those targets, nor could any of them describe progress for any of their targets. However, the Minister is trying to present this system as perfect. He is unable to display the targets of any Department, nor can he compare one Department with another, nor show the policies put in place to deliver the targets. He claims that is asking too much and that it already has been done, but I do not see it and I try harder than most to disentangle these various strategic management documents.

I do not believe the Minister of State. I do not see any Department offering high level targets to which it is committed. Until we see that, we will not see the sort of change that has been heralded as necessary in the various reports of the SMI. The presentation by senior management of the SMI was extremely disappointing. They had to admit that they were way behind in setting high level targets that would be monitored and delivered.

The Minister of State extolled the expenditure review initiative. I do not know how he has the neck to claim that it is contributing greatly to the improvement of public decision making, when the secretaries told us that less than 20% of reports to be done were actually delivered in the last three year period. The Department of Health and Children, having spent €11 billion, was exempted from any value for money audits because it was too busy carrying out reforms. What sort of a system allows Departments away with that? The Minister of State then claims that we have an exemplary system and anything demanded by the Opposition would be far too burdensome. That is not the case and the Minister of State is deceiving himself. We need a more honest debate about delivering results. We need complete reform on the way the Estimates are presented and a reform of the accountability demanded by senior management in the public service. It is not acceptable that the budget for the Department of Health and Children can be trebled yet no target is set for

what that will achieve. No targets are set and none is delivered. When Ministers are under pressure in this House, they will scramble to find the nuggets that look good and will ignore the rest. That represents the level of accountability we have, which is just cute hoorism. That is not good enough in a modern democratic State.

I do not pretend that this amendment is perfect. However, I am disappointed that the tone of the Minister's response is very defensive, claiming that everything in the garden is rosy and that the last eight years have been wonderful, unlike the bad old days.

Mr. Parlon: That has been my experience.

Mr. Bruton: That is not the experience of someone who deals with the health service. I do not have any farmers in my constituency any more. I used to have one, but the family probably died out, so I do not know what is happening in the Department of Agriculture and Food. I do know it has put much effort into reforming its IT system. However, that is not enough. The Government is accepting too little when demanding accountability. It also offers little accountability to those of us elected to hold the system to account. It is not committed to the change that is needed and I am disappointed with that.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 3 are cognate and may be taken together.

Mr. Parlon: I move amendment No. 2:

In page 8, lines 39 and 40, to delete "joint staff of the Houses of the Oireachtas" and substitute "staff of the Houses of the Oireachtas Commission".

Both amendments are technical and were put forward by the Office of the Attorney General. Section 6 of the Bill amends section 2(2) (d) and section 2(2)(e) of the 1956 Act to provide for the appropriate authority in respect of the staff of the Houses of the Oireachtas. The proposed amendments change the current reference in the Bill to "joint staff" to read "the staff of the Houses of the Oireachtas Commission", in accordance with section 12(1) of the Houses of the Oireachtas Commission Act 2003, which states that a person who, immediately before the establishment day was a member of the staff of the Houses of the Oireachtas, or the joint staff of the Houses of the Oireachtas, shall be transferred to and become a member of the staff of the commission on that day.

Amendment agreed to.

Mr. Parlon: I move amendment No. 3:

In page 8, lines 43 and 44, to delete “joint staff of the Houses of the Oireachtas” and substitute “staff of the Houses of the Oireachtas Commission”.

Amendment agreed to.

Mr. Parlon: I move amendment No. 4:

In page 9, lines 35 and 36, to delete “exercisable by the Government” and substitute “of the Government under subsection (1)”.

Amendment No. 4 is a technical amendment put forward by the Office of the Attorney General. Section 7 of the Bill amends the ten-year provisions contained in section 5 of the 1956 Act. The amendment to section 5(3) currently outlined in the Bill provides that the Government may delegate the powers and functions under section 5 to dismiss a civil servant to an appropriate authority other than a Minister. The Office of the Attorney General has advised the Department that to copperfasten the legal authority of an appropriate authority to exercise the powers to dismiss a civil servant under new section 5(3), it should refer back to section 5(1) which provides that every established civil servant shall hold office at the will and pleasure of the Government. Amendment No. 4 makes it clear that the delegation of powers relates specifically to the power to dismiss an established civil servant.

Ms Burton: I raise a question I have asked the Minister of State before. The phrase “will and pleasure of the Government” is rather old fashioned. While the Minister of State tells us we are in a brave new world of improved management criteria and reporting to the extent that one would never think our hospitals were in chaos or that people’s experience of public transport was so bad, his use of language in the Bill is incredibly old fashioned. The provision has obviously not been subject to a management report, consideration or review. As we raised the matter on Committee Stage, I ask the Minister of State if he has had an opportunity to consider it.

Mr. Parlon: Deputy Burton has been very selective in some of the crises she recounted from last week’s news. I hope she remembers the CSO figures on which she failed to remark which show that in the 12 months previous to last year, we created over 72,000 jobs. It was an average of 1,400 jobs per week and a very positive development. I wish the Deputy would be more balanced on some issues.

Amendment No. 4 was put forward by the Office of the Attorney General, which I will not challenge on the use of language. While it sounds old fashioned, the phrase in question is very appropriate legally to the measure.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 5 and 5a are related and may be discussed together, by agreement.

Mr. Parlon: I move amendment No. 5:

In page 10, to delete lines 9 to 19 and substitute the following:

“5A.—(1) Notwithstanding any other provision of this Act, a person may initially be appointed to be an established civil servant on the basis of a probationary contract.

(2) Where a civil servant to whom subsection (1) refers completes the probationary period concerned to the satisfaction of the appropriate authority, that civil servant shall be appointed as an established civil servant and subsection (1) shall cease to apply to that appointment.

(3) Where a civil servant to whom subsection (1) refers does not complete the period of the probationary contract to the satisfaction of the appropriate authority, the provisions of section 7 shall apply.

(4) Nothing in this section shall prevent the termination of an appointment under subsection (1) in accordance with the terms and conditions of the probationary contract prior to the expiry of the term of the contract.’”.

Amendment agreed to.

Mr. Bruton: I move amendment No. 5a:

In page 10, between lines 19 and 20, to insert the following:

“(3) The Minister shall, by regulation, outline procedures which are to be applied where a person is being engaged on contract for a specified time or for the duration of a specified project, and these procedures shall, inter alia, provide for documentation of—

(a) the criteria for deciding whether to engage the person as a civil servant or as a consultant, or otherwise,

(b) the tender procedure chosen for selection and the reason for that choice,

(c) the method of oversight of the selection procedure and the subsequent recording of work done under contract and its quality.”.

Caoimhghín Ó Caoláin: On a point of order, is a copy of the groupings of amendments available?

Ms Burton: As late amendments have just been received, proceedings are quite difficult to follow. The Minister of State has an advantage we do not enjoy.

Caoimhghín Ó Caoláin: Is it possible to have the groupings provided as normal?

An Leas-Cheann Comhairle: We can arrange that.

Mr. Bruton: Amendment No. 5a is a direct result of the report of Mr. Quigley on the appointment of a PR person in the Department of the Environment, Heritage and Local Government. Having exposed a number of features of the appointments system as unsatisfactory, the report of the former Revenue Commissioner set out a number of recommendations on how to deal with circumstances where a person is brought in on contract to carry out certain work and single-tendering is used on grounds of urgency. The report identified the need for process auditors to oversee such appointments and contained direct comments on possible risks where a Minister suggests a particular person for a contract. While a great many issues arose at the time which caused considerable public concern, I have seen no initiative or legislative change to address them. While we are told by the Taoiseach that many changes have occurred, my amendment seeks to copperfasten some of the lessons which were learned from the experience outlined in the Quigley report.

Amendment 5a provides that the Minister should, by regulation, outline procedures to be applied where a person is engaged on contract for a specified period or for the duration of a specified project. The procedures should provide for the documenting of the criteria for deciding whether to engage a person as a civil servant or consultant or otherwise, the tender procedure chosen for selection, the reason for the choice and the method of oversight of the selection procedure and subsequent recording of work carried out under the contract and its quality. Apart from generating political debate on the original appointment, of which there was a great deal, the decision exposed a flaw in the system. The House must be assured the flaws have been corrected. If they are not to be corrected in legislation — I have seen no evidence of suggestions from the Taoiseach or Minister of State in this regard — we must be told what procedures have otherwise been put in place. I hope the Minister of State will accept my amendment as a means of putting this episode behind us and ensuring we have learned its lessons to avoid a repeat scenario.

Ms Burton: I support Deputy Bruton's amendment. It would be useful in view of all that has happened in recent times, if the Minister of State could outline the exact position on civil servants employed for fixed terms or specified projects as outlined in the Bill. There are a couple of specific examples I want to draw to the Minister of State's attention. The Taoiseach's project to develop Abbotstown is being carried out through the medium of a company in which the shares are

held by the Taoiseach, the Minister for Finance and the Minister for Arts, Sport and Tourism. I understand the entire staff of the company are on secondment from the Civil Service. Certainly, that is where they originated. For four years, the Government has promised the House that a Bill would be introduced to deal with Abbotstown, but it has never materialised despite being top of the Government's list. In the meantime, a judge outlined in court last week that the company gave a €62 million State asset to a €127 company originally registered in the British Virgin Islands. Anyone familiar with the registration of companies in that location will know that it very often gives rise to queries on tax status etc.

Mr. Parlon: That has nothing to do with the legislation. The Deputy should direct the matter to the appropriate person.

An Leas-Cheann Comhairle: Order, please.

Ms Burton: The Government appointed civil servants to a company in which the share capital is held by the Taoiseach, the Minister for Finance and the Minister for Arts, Sport and Tourism. While I presume the civil servants are on secondment, I cannot know as freedom of information has been abolished.

Mr. Parlon: It is not abolished. If the Deputy puts down a question, she will find out.

An Leas-Cheann Comhairle: Order.

Ms Burton: Civil servants on secondment made decisions to give a contract with an accumulated value of €62 million to a company with assets of €127.

Mr. Parlon: Deputy Burton would prefer to make unsubstantiated claims in the House than put down a question to find out the facts for herself.

An Leas-Cheann Comhairle: Order, please. Deputy Burton is in possession.

Ms Burton: I am a Member of the Opposition and it is completely legitimate for me to put the question to the Minister of State who makes provision in sections 5, 6 and 7 of the Bill to appoint civil servants for fixed terms or special projects. We are absolutely entitled to ask the Minister of State to explain how this would operate. It is a legitimate question for the Opposition in Parliament to ask the Minister of State to account for such matters. In the same way it is completely legitimate to ask the Minister of State to account for how the area he oversees purchased a site for a jail through a committee of civil servants. In that case the price of the land rose from agricultural value by multiples of ten.

Mr. Parlon: One would not put a prison on a farm.

Ms Burton: These are legitimate questions. What are the implications of the Bill for the structure adopted by the Government in regard to the oversight of the National Aquatic Centre? A judge stated last week that what had happened in that regard was unbelievable. The Progressive Democrats Party is never off its high horse about looking after the proper spending of Government money yet a judge has stated in court that this was an extraordinary disclosure of events. These things happened within the remit of the Minister of State. Can he comment—

Mr. Parlon: Deputy Burton is the Labour Party spokesperson on finance. Why does she not table a question to the Minister for Finance? If the Deputy tables a question she will receive an answer.

Ms Burton: I have asked about this issue at least 11 times in the House.

Mr. Parlon: It is hardly appropriate to raise the matter on Report Stage of legislation.

Ms Burton: The amendment put forward by Deputy Bruton rightly seeks to throw light on this extremely murky area of activity by the Government. I urge the Minister of State to make a statement as to how the events which have been unfolding continuously since last January in regard to a number of such projects relate to this Bill and the proposals put forward by Deputy Bruton. It is a completely reasonable question. If the Minister of State were on this side of the House we would never be done hearing from his friend, the Minister for Justice, Equality and Law Reform, Deputy McDowell.

Mr. Parlon: I would have raised it in the appropriate manner a long time ago.

Mr. Boyle: This section is closely related to the amendment which I tabled earlier regarding the Minister's willingness on behalf of the Government to buy in expertise whenever and however necessary. It is incumbent on the Government to put in place the highest standards and safeguards. Deputy Bruton's amendment is an attempt to do that in regard to short-term appointments. I hope the Minister of State will look on it favourably as it would strengthen a particularly weak aspect of this Bill.

Further questions must be asked about the future reliance on bought in expertise in regard to the Civil Service. Various Governments, particularly those since 1997, have compartmentalised the business of Government and placed it outside the remit of this House in terms of accountability. We cannot ask questions to the line Minister regarding their functions *vis-à-vis* various State agencies. There is a fear that we will

see more of this, not alone in regard to agencies but also in regard to the work of part-time, temporary civil servants who are working on behalf of the State and will probably not be accountable even in the short tenure foreseen for them by the Minister in future. They will certainly not be accountable once their tenure has finished.

The Minister has clearly not thought through many aspects of this matter. We are entering into dangerous territory in terms of how the business of Government is conducted on a day-to-day basis by people who will not have direct responsibility and who will not have anything approaching the full accountability of elected representatives in this House. I urge the Minister to consider favourably Deputy Bruton's amendment as one small measure towards addressing this lacuna in what remains a badly flawed Bill.

Caoimhghín Ó Caoláin: I support Deputy Bruton's amendment. It must be acknowledged that what is sought in amendment No. 5a is eminently reasonable, that the Minister shall, by regulation, outline procedures which are to be applied where a person is being engaged on contract for a specified time or for the duration of a specified project. Each of the specifics in regard to what needs to be outlined in paragraphs (a), (b) and (c) of the amendment can hardly be argued against. If anything the amendment would strengthen the Bill and provide more public confidence in the Civil Service. It would also be in the interest of the Civil Service itself. I urge the Minister of State to accept the amendment and I record my support for it.

Mr. Parlon: Deputy Burton should table a parliamentary question precisely on the issue to which she referred. I sat beside the Minister, Deputy Cowen, during the last Question Time and Deputy Burton ranted, raved and upset the Minister to a considerable extent.

Ms Burton: I think he was upset before.

Mr. Parlon: It might have been the Deputy's intention to annoy him but no specific questions were asked, which the Deputy evidently wishes to do, as at every opportunity this afternoon she has raised this issue.

Caoimhghín Ó Caoláin: Where did the Minister of State take the Minister to comfort him?

Mr. Bruton: I would have expected the Minister of State to have rallied to the aid of his constituency colleague.

Mr. Parlon: As the Deputy has a bee in her bonnet about it, I suggest she tables a parliamentary question on it. I look forward to being seated beside the Minister when—

Ms Burton: The Minister of State, Deputy Parlon, must have been even more under the weather than the Minister.

Caoimhghín Ó Caoláin: The Minister of State can bring him to the Dáil bar where he can cry into his beer.

Mr. Parlon: —he will give a comprehensive answer.

Ms Burton: We thought it was an Alan Clarke moment.

Mr. Parlon: The speaking note I have will show that events which have taken place in regard to the Rights Commissioner have prompted this measure. This legislation has been going through the House for some time.

Section 7 inserts a new section 5A into the 1956 Act which currently provides that both established and unestablished civil servants can be appointed either for a specified period of time or for the duration of a particular project or requirement. The aim of this provision was to enable certain people who were appointed on contracts to hold established status. Its purpose was primarily to resolve a number of administrative difficulties which currently arise in regard to officers who were appointed from open competitions initially on an unestablished basis and who may then acquire established status following a satisfactory period of probation.

The second purpose was to facilitate the extension of one year contracts to all new recruits in the Civil Service as provided for in Sustaining Progress. The section also allowed for other officers on contracts to be appointed on an established basis, thereby creating additional manpower flexibility. However, since Committee Stage of the Bill on 2 February a Rights Commission decision has issued in regard to a number of cases concerning the appointment of people to the Civil Service on fixed term contracts. In the light of the issues raised in these cases, legal advice was sought from the Office of the Attorney General. This advice highlighted the need for clarification so there is no doubt in reconciling the concept of a relationship governed by contract with the legal position contained in the original Act, that is, that all established civil servants hold office at the will and pleasure of the Government under section 5 of the 1956 Act. The Attorney General's office therefore recommended amending section 7 of the Bill on Report Stage in order to remove any ambiguity. I therefore propose an amendment in order to provide that only an officer on a contract for the purposes of a probationary period may be appointed as an established officer on contract and that all other appointments on a contract will continue to be in an unestablished capacity only. With this text the position of new entrants to the Civil Service is very clear, officers will in future

be appointed initially in an established capacity on contract on probation with a view to being appointed as established officers following satisfactory completion of the period of probation. In future this mechanism will be applied to all new appointments to the Civil Service at all levels in accordance with the commitments made under the current national agreement, Sustaining Progress. This amendment addresses the concerns that Deputy Bruton set out in the proposed amendment that were initially raised on Committee Stage. As the amendment is based on the existing text in section 7 of the Bill, which is to be changed, this amendment will no longer be relevant and on that basis I cannot accept it.

Mr. Bruton: I am not sure that making contracts probationary addresses some of the issues raised in regard to the procedure for the selection of the person involved — which I was seeking to address — or the decision on whether the person should be engaged as a probationary established public servant rather than an employee in some other capacity. It does not deal with the oversight of people during the making of probationary contracts.

My concern relates to the difficulties that were exposed by the appointment of a PR consultant by the Minister for Communications, Marine and Natural Resources, which led to much public unease. We need to ensure that the various steps in that chain which were subject to public unease are addressed. I do not believe that the Minister of State's amendment achieves this. He seems to be addressing a broader issue concerning contracts in the public service rather than the concern that arose in respect of the apparent lack of a proper process audit — that is the phrase that was used — associated with the way in which the tenders were made and the way in which the contracts were set and whether this was in the public interest or whether, as ought to have been the case, it was done on an arm's-length basis. Those are the areas of concern. I do not believe the Minister of State's amendment deals with them and I am somewhat puzzled by his reply.

Ms Burton: Will the Minister of State elaborate further? I am confused by his explanation.

Caoimhghín Ó Caoláin: Whatever Deputy Burton does, she should not upset the Minister of State.

Ms Burton: I will soothe him this time rather than upset him.

Mr. Bruton: Offaly nerves are somewhat frayed at present.

Ms Burton: It could be that Cinderellas go to the British Virgin Islands. That could be the problem. It may be what is responsible because,

of course, they all have tax connections in this country.

I do not understand what the Minister of State is getting at——

Mr. Parlon: I do not understand what Deputy Burton is talking about either.

Ms Burton: The Minister of State said he is dealing with people who are coming into the permanent Civil Service but on a probationary basis. He is also implying that he is dealing with civil servants on contract who are unestablished. Deputy Bruton's amendment concerns a person who is employed by a Minister as an adviser on contract in that provision is being made for him or her to be in an unestablished position or, as I stated in respect of the National Aquatic Centre, for contracts to be given via a company owned by Ministers. What is the position on Government advisers, be they directly appointed as advisers and, therefore, unestablished civil servants or, as was referred to in the Quigley case, appointed by means of a contract?

The Minister of State referred to unestablished civil servants who are on contract. His reply has not been at all clear on this matter. The question pertaining to civil servants on probation, who are perhaps entering a long-term career as an ordinary civil servants, is entirely different to that pertaining to advisers and other such people who may be appointed in a political context but who are unestablished. The Minister of State has not answered this.

My original question — I hope the Minister of State will not become irritated when I refer to it — related to the mechanism whereby a valuable State asset worth €62 million was run through the device of a company being managed by people apparently on leave from the Civil Service, who then contracted their responsibility to operate it out to a consortium. A distinguished judge was incredulous that the State could have done this in the way it had been done. My question was reasonable and deserves a reasoned response rather than a tetchy one.

Mr. Parlon: When it comes to tetchy responses, I would not hold a candle to Deputy Burton. As regards my comment on her parliamentary question, her attempt to tar everybody in the Government with one brush by implying that they are not fully clear in their tax affairs is what upset Deputy Cowen. He made it clear that he did not take that on board.

Ms Burton: The Minister of State's recollection is entirely faulty.

Mr. Parlon: The Deputy made some references——

An Leas-Cheann Comhairle: Order, please.

Mr. Parlon: ——on which I did not pick up.

Ms Burton: The Minister of State's recollection is entirely faulty. He does not know what he is talking about.

An Leas-Cheann Comhairle: The matter will have to be clarified some other time.

Ms Burton: The Minister of State does not know about the Bill and does not remember what he is talking about.

Mr. Parlon: Deputy Burton more or less accused everybody in the Government of not being compliant in their tax affairs.

Ms Burton: I want the Minister of State to withdraw that statement because it is factually wrong.

Mr. Parlon: That is my recollection.

Ms Burton: If he examines the record of the House, the Minister of State will note that it is factually wrong.

Mr. Parlon: The Deputy made a reference to the Virgin Islands which was very vague.

An Leas-Cheann Comhairle: Order, please. We must return to the amendment.

Mr. Parlon: What was the reference the Deputy made to the Virgin Islands? I have no idea what that was about.

An Leas-Cheann Comhairle: Could we return to the amendment?

Mr. Parlon: I do not even know the location of those islands.

An Leas-Cheann Comhairle: Order, please.

Ms Burton: In a recent court judgment, a judge in this State expressed extreme alarm and concern that a €62 million asset, owned and paid for by the taxpayer, was given to company with a share capital of €127 and which had its original incarnation in the British Virgin Islands.

An Leas-Cheann Comhairle: Could we return to the amendment? The Minister of State should address——

Ms Burton: The judge was precise, unlike the Minister of State who has not got a clue about the matter.

An Leas-Cheann Comhairle: On the amendment.

Mr. Parlon: Who is getting tetchy now?

The Government has taken on board the observations of Mr. Quigley. To this end, it is examining the recommendations of the report and taking action in a number of areas. As recom-

[Mr. Parlon.]

mended in the Quigley report, the Government has incorporated in the Cabinet handbook guidelines in this area relating to where a Minister is seeking a named person for a consultancy or the contract comprises a significant element of direct service to a Minister. These guidelines apply, in particular, in the PR or communications areas, where there is a significant element of direct service to a Minister or where a Minister is suggesting the name of a person or enterprise for a consultancy or contract. In these circumstances, the Secretary General of the relevant Department is now required to inform the Secretary General to the Government who will arrange, if necessary, for the Cabinet secretariat to inquire into any aspects of the proposed procurement that it considers necessary. Arising from this, the Secretary General will then make recommendations to the Taoiseach as to whether any special conditions should be observed in the procurement process. The guidelines are effective immediately and are being brought to the attention of all relevant Departments and offices.

The Quigley report also recommended that the Department of Finance should review the guidelines dating from 1999 regarding the engagement of consultants, particularly in the context of single tendering arrangements where urgency is stated as the grounds for proceeding. A sub-group of the Government's contracts committee, including representatives of the Department of Finance, is examining existing guidelines on the engagement of consultants to ascertain what changes might be needed to promote best practice in tendering, avoidance of conflicts of interest, monitoring and recording of work done, estimating costs of projects and observing appropriate reporting requirements. It is expected that the group will complete its work shortly and will publish new consolidated guidelines. The issues raised are being addressed comprehensively in the appropriate manner outside this legislative process.

Amendment put and declared lost.

Mr. Parlon: I move amendment No. 6:

In page 11, lines 6 and 7, to delete all words from and including "has" in line 6 down to and including "guilty" in line 7 and substitute the following:

"has, in relation to his official duties, been guilty".

This is a technical amendment suggested by the Office of the Attorney General, the purpose of which is to amend the current wording of section 15(2) of the Act, set out in section 10 of the Bill, so that it will replicate exactly that which was originally contained in the 1956 Act.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 7 and 8 are related and may be discussed together.

Ms Burton: I move amendment No. 7:

In page 11, between lines 47 and 48, to insert the following:

"(2) No disciplinary measure may be taken under this Act against a civil servant who in good faith reports a suspicion of illegality or other wrong-doing to a body or person having a legal function in respect of such illegality or other wrong-doing".

This amendment deals with the question of the position of civil servants who, in good faith, wish to report suspicion of illegality or other wrongdoing to a body or person having a legal function in respect of such illegality or wrongdoing. Its purpose is to provide a minimum protection for whistleblowers. The UK has already enacted such legislation. It means, in effect, that a whistleblower could not be disciplined for reporting impropriety to relevant bodies. However, the amendment does not cover reports made to the media.

The Minister of State's colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, wanted to discipline members of the Garda because he believed they had excessive contact with the media at times. This does not deal with the media. However, it is a question of checks and balances.

The Minister of State is introducing, in this and other legislation, extremely powerful and extended powers for the bosses in the Civil Service, namely, the Secretaries General. There is the evidence of tribunals, disclosures, for example, from the Flood tribunal as regards a former manager in the Dublin city and county area. These were shocking revelations, particularly for those who in the past had worked so hard and with such integrity in all the different areas of the public service. There were also the recent stunning revelations from the Morris tribunal as regards what went wrong and how various elements of the Garda Síochána administering the system simply failed. The judge set it out in stunning detail.

Earlier today, Deputy Ó Caoláin raised the issue of the death of Councillor Eddie Fullerton in Donegal some time ago. This is another matter in respect of which there are serious questions to be answered by senior management in the Garda Síochána as well as in the Police Service of Northern Ireland. In all of these cases, much of the information was only leaked or seeped out because very brave people were prepared to try to bring them into the public domain.

In giving senior service managers vastly increased powers in terms of firing civil servants, the Labour Party is saying that there is a serious case for the Government to introduce a compensating mechanism to protect people who have

honest and legitimate concerns and who have insight into absolute wrongdoing or the wasting of public money. I am not referring to a cranks' charter. Senior managers sometimes like to assert that whistleblowing gives some type of licence to cranky people to make complaints that are unjustified. The amendment from the Labour Party is entirely reasonable. I hope the Minister of State will be in a position to accept it because it is absolutely essential for the continuing functioning of our democracy.

The Minister of State's party and colleagues in Government have repeatedly stated, at the Joint Committee on Finance and the Public Service, in respect of the scandals in the Irish banking industry that is necessary for the banks to provide a conduit for employees who become aware of wrongdoing to allow them to safely disclose information without damaging themselves. Politicians from all parties accept that in private business it is absolutely correct, where people hold great positions of trust, power and authority, that there should be a provision for employees who become aware of wrongdoing to enable them, without endangering their jobs, to bring it to the attention of persons with responsibility.

I do not understand why the Government should be reluctant to grant the same protection to civil servants who, for the most part, have served the country with the most enormous integrity since the foundation of the State. However, there are cases of mismanagement, wrongdoing and, in a small number of cases, corruption in the public service. In the context of the Bill, therefore, a whistleblower's charter is an absolutely essential balancing component to the type of additional powers that the legislation gives to Civil Service bosses.

Caoimhghín Ó Caoláin: I wish to speak to amendment No. 8 and in support of amendment No. 7. These amendments are in the domain of the whistleblowers. It would be preferable if we had dedicated legislation as regards this area rather than adopting a piecemeal approach as legislation presents. A dedicated whistleblower's Bill is what is actually required. Few committees will have the experience the Joint Committee on Finance and the Public Service has of the role that whistleblowers played in the scandals as regards banks and other financial institutions. Whistleblowers have been the catalysts for a series of inquiries and, it is hoped, actions as a consequence of such exposures. Undoubtedly, a very important area has to be addressed. Whistleblowers need legal protection. That is what we want to see and it should apply both in the private and the public sectors.

As Deputy Burton said, the amendments seek to protect people who are bringing their awareness or suspicion of wrongdoing "to a body or person having a legal function in respect of such matters". That is an important point to emphasise. We have heard Government spokespersons

claim that a new climate exists, following the jailing of the former Minister, Mr. Ray Burke. If that is the case, it is a further argument in support of the adoption of these amendments. They must be adopted in order that legislative effect can be given to this new climate that we wish to see and encourage.

The Morris report shows how a corrupt culture existed in one arm of the State, namely, the Garda Síochána, in Donegal at least. That culture has clearly contributed to the silence of many who would otherwise have had the courage to report what they knew or had observed. I have no doubt that there are many responsible and conscientious members of the Garda who, because of the culture that existed, did not feel at ease in coming forward when they should have done. We need to root out that culture and the only way that this can be done is to offer——

Mr. Parlon: The Deputy is talking about informers.

Caoimhghín Ó Caoláin: No, we are not talking about informers. Even the use of that term in jest is an impediment and discouragement to people who act responsibly as regards matters of such public importance as this legislation addresses, namely, the Civil Service and the abuses that all too sadly take place within its ranks. These people need to be protected and the amendments provide for the introduction of the protection required. This applies not only with regard to the example I gave *vis-à-vis* the Garda but across the board in the Civil Service.

This is a straightforward amendment which the Minister of State should have no difficulty in accepting. I use this opportunity to commend again a dedicated Bill to address all the issues relevant to whistleblowers. However, in the absence of that intent — the Government has clearly put its face against it — I urge the Minister of State to accept the amendments.

Mr. Bruton: I support the amendments. If we are extending new powers such as these, it is even more important that we have proper power to protect whistleblowers, as clearly set out in both amendments, when they report to agencies with clear responsibility in the relevant matter. The proposal does not relate to idle whistleblowing for no purpose but to the reporting of concerns to an authority appointed by the Oireachtas to take action in the appropriate area. The amendments propose a minimum provision and I support them.

Mr. Boyle: I also support the amendments. If we are to believe media reports, which are, unfortunately, the most reliable source of information about this increasingly opaque Government, not only is one of the Minister of State's senior party colleagues in Cabinet having difficulties introducing the civilising influence of café bars but the

[Mr. Boyle.]

larger party in the coalition is also reluctant to accept his proposals to reform the libel laws. While some degree of discomfort may arise from the tone of questioning taken by the media or the interpretation of reportage, in a democratic society we should make every effort to encourage the release of information into the public domain. Thereafter, we should use our critical faculties to interpret such it correctly. The same applies to information which comes to light through the Civil Service.

These are considered amendments which do not even go as far as to encourage civil servants to adopt the shout it from the roof tops approach common in some other democratic countries. Both amendments specifically provide that the entity to which the concern is reported should be a person or body with a legal function in respect of the presumed illegality which has been exposed. I fail to see how any Administration with a sincere interest in open government would have difficulty with amendments of this type. Unfortunately, however, a slew of legislation, starting with the Freedom of Information (Amendment) Act 2003, has shown that we do not have such a Government.

I am not confident that the Minister of State is amenable to accepting the amendments. If, however, he wants to bring about the type of reforms we require, he would do well to start by accepting either amendment, both of which demonstrate a confluence of thinking. If he does so, he will have taken one small step to improve the quality of the Bill.

Mr. Parlon: I will discuss the amendments together because both propose the inclusion in the Bill of a provision to protect officers who wish to report wrongdoing in the Civil Service.

I am impressed with Deputy Ó Caoláin's enthusiasm for the proposition that people living along the Border should come forward with information. Previously, his party and organisation would have taken a different view in terms of—

Caoimhghín Ó Caoláin: Good man, deal with the issue.

Mr. Parlon: Perhaps he will encourage some of his colleagues in the McCartney case to come forward with some information as it could be helpful in terms of a successful prosecution.

Caoimhghín Ó Caoláin: I have done so time and again. The Minister of State, on this and all other issues, is not well informed.

Mr. Parlon: As I indicated on Committee Stage, I agree that it is important to protect officers who wish to report wrongdoing within their organisations in the hope of preventing or stopping such behaviour. To this end, protections are already afforded to civil servants under the

Standards in Public Office Act 2001 and the Civil Service code of standards and behaviour introduced last year in accordance with section 10(3) of the 2001 Act.

As Deputies are aware, the Standards in Public Office Commission oversees compliance with the ethics Acts in so far as they apply to office holders, that is, Ministers and Ministers of State, the Ceann Comhairle or Leas-Cheann Comhairle of Dáil Éireann, the Cathaoirleach or Leas-Chathaoirleach of Seanad Éireann, the Attorney General, ministerial special advisers, senior civil servants, etc. The commission is empowered to investigate complaints involving acts or omissions of the powers of these persons where a complainant considers that such person has acted in a manner which is inconsistent with the proper performance of the functions of his or her office or his or her behaviour is contrary to the maintenance of public confidence and the matter in question is one of significant public importance.

The Standards in Public Office Commission is also empowered to investigate complaints about alleged contraventions of the Ethics in Public Office Acts 1995 to 2001 regarding disclosure of interests and compliance with tax clearance requirements. As far as complaints are made, *inter alia*, by civil servants against other civil servants, the Act provides at section 5(1) that where person makes a complaint to the commission in good faith, no cause of action shall lie against the person and no disciplinary action shall be taken against him or her as a result of reporting his or her concerns to the commission. Section 5(4) provides that a person who takes disciplinary action against a complainant in this context will be guilty of an offence and liable to a substantial fine.

In addition, the Act provides at section 5(3) that if a person is dismissed by his or her employer as a disciplinary measure because he or she reported a complaint to the commission, the dismissal will be considered an unfair dismissal for the purposes of the unfair dismissals legislation. This avenue of redress provides an additional protection for civil servants in light of the extension of the unfair dismissals legislation to civil servants, which the Bill effects at section 18.

Further strong protection is offered to civil servants under the Civil Service code of standards and behaviour which applies to all staff in the Civil Service. The code states that no civil servant must ever act in any way which he knows or suspects to be illegal, improper or unethical and that civil servants who have doubts about the legality of a particular action they are required to take in the course of their official duties should refer the matter to their superiors whose responsibility it is to issue a direction on the matter. The superiors in question are bound under the code by the same duties to act within the law as the officers who report to them and are subject to the same sanctions should they breach the instructions set out in the code.

In addition, as Deputy Burton is aware, a whistleblowers protection Bill is on the Government's legislative programme and is being dealt with by the Department of Enterprise, Trade and Employment.

Mr. Bruton: Expeditiously, one might say.

Mr. Parlon: Given the number of significant and complex issues which have arisen during consultation on the Bill, it would not be appropriate to address this matter in the context of the Civil Service Regulation (Amendment) Bill, the aim of which is to enhance the structures in place for managing civil servants. In light of the protection already provided by the Standards in Public Office Act 2001 and the Civil Service code of standards and behaviour and the fact that this matter is being dealt with in separate legislation, I cannot accept the proposed amendments.

Ms Burton: The Minister of State, not for the first time, is a profound disappointment. Does he even know when the Government claimed to accept the notion of a whistleblowers' charter? At the beginning of this Dáil, the Labour Party succeeded in having the Bill reintroduced in the Government's legislative programme but that was the last the House heard of it, which is unfortunate.

The Morris tribunal vividly described an atmosphere and a culture which were effectively corrupted within the Garda in County Donegal. From what has been said locally and nationally, many gardaí were concerned and deeply dismayed at the betrayal of the mission of the Garda Síochána evident in the McBrearty case. However, the absence of a powerful structure to encourage people with knowledge of wrongdoing to bring it to the appropriate authority in a responsible manner meant that the gardaí in question were not in a position to act on their concerns. Worse, as knowledge of the circumstances of the case rose through the higher echelons of the Garda administrative system, first in County Donegal and later at regional and national levels, those who had misgivings could not air them. As a result, a wrong became a corruption of the entire police service of a county. When that happens, all parties in this House, whether in Government or not, must look at what the judge recommended in his report to see what lessons we can learn. Clearly, a strong power that enables someone in the lower echelons of the public service to make due representations to an independent authority when he becomes aware of illegality or wrongdoing is necessary. None of the regulations referred to by the Minister of State was capable of addressing the corruption and wrongdoing that arose in Donegal as set out in the Morris report. It is deeply disappointing that the Minister of State is unwilling to address an issue that is so fundamental for our democracy.

Caoimhghín Ó Caoláin: These amendments seek to ensure we have a strong and confident public service. That should apply across the board, irrespective of the arm of the State where people are employed. Where there is a strong and confident public service, it is important that its writ runs through every level of the Civil Service, from the first rung to Secretary General.

If people in the public service see or suspect abuses in the carrying out of functions on the part of the public service, or misconduct that undermines either the effectiveness of the system or public confidence in it, it is an imperative that they come forward. The Minister of State's injudicious jibes at me and my political views, which ill behove him, create associations we do not want to see for the important role that whistleblowers have and must continue to play in ensuring we have a Civil Service of which we can be justly proud. Nodding and winking about it will not change that and my support for our aims here is affirmed by the amendment and my contribution on it.

I take this final opportunity to appeal to the Minister of State to revisit the position he has been given in his script tonight. It is time for imaginative thinking that recognises the important role such people have. I would prefer a dedicated Bill to address this matter but in the absence of such a Bill we can only seek to amend appropriate legislation and this is an opportunity to do that. I urge the Minister of State to support the amendments.

Mr. Parlon: I am obsessed with the fact that I am a constant source of disappointment to Deputy Burton. Every time she gets up she is disappointed with what I have said or with what I will say.

The Garda Síochána Bill is going through the House and the Taoiseach earlier this evening, in this seat, said the Bill is being reviewed in light of the findings of the Morris report recommendations.

Ms Burton: No he did not.

Mr. Howlin: He said no such thing.

Mr. Parlon: Yes he did.

Ms Burton: Was the Minister of State listening at all? He said the exact opposite.

Mr. Howlin: He said it had been reviewed.

Ms Burton: He said it had been reviewed already.

Mr. Parlon: Yes.

Ms Burton: Prior to the judge's report.

Mr. Parlon: Yes.

Mr. Howlin: Before the judge commented that it should be reviewed.

Mr. Parlon: In terms of what applies here, we are talking about legislation for civil servants and Deputy Burton insists on talking about the Morris tribunal. The Garda Síochána Bill will deal with that.

Ms Burton: Are the gardaí not civil servants?

Mr. Parlon: There is a Garda Síochána Bill going through the House to deal with those particular issues.

Ms Burton: Are gardaí not public servants?

Mr. Parlon: Of course they are public servants but there is a Garda Síochána Bill that applies to them that does not apply to the rest of the Civil Service.

Ms Burton: The judge stated that needs to be reviewed. The Taoiseach said it has been reviewed already.

Mr. Parlon: In terms of duplication, in my response I have clearly shown that legislation already supports whistleblowers and civil servants who choose to give information. There is no need for provision here. The legislation is on the cards, I heard the Taoiseach not long ago in the House give an answer to say that the whistleblowers Bill is on the programme and I hope it is expedited. Significant and complex issues have arisen during consultation that are delaying it but as soon as they are sorted out, the legislation will be introduced to deal specifically with the issue.

Ms Burton: The Minister of State is allowing an incredible loss of public confidence in our democracy. It is also a terrible waste of money because when wrongdoing in the public service festers, it poisons activity and often results in another tribunal at huge public cost. The unwillingness of the Minister of State's party to accept a reform that exists in most European countries is disappointing. When we enter Government, we will ensure the outcome changes.

Amendment put and declared lost.

Caoimhghín Ó Caoláin: I move amendment No. 8:

In page 11, between lines 47 and 48, to insert the following:

“(2) No disciplinary measures may be taken under this Act against a civil servant who in good faith reports a suspicion of illegality, corruption or other wrong-doing to a body or person having a legal function in respect of such matters.”.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 9 and 10 are related and will be discussed together.

Mr. Howlin: I move amendment No. 9:

In page 12, line 5, after “offer” to insert the following:

“, and regard shall be had to the civil servant's right to fair procedures and to any representation made or evidence adduced by the civil servant”.

This issue was raised on Committee Stage. The section is flawed from a constitutional viewpoint. The section and the Bill allow for representations to be made but there is no requirement for anyone to have regard to such representations. The premise is that the mere allowing of representations satisfies the dictates of natural justice but that is not the case. To be constitutionally correct, there should be a requirement not only for representations to be made but any evidence adduced should require a response and be noticed. It is important that this amendment be accepted by the Minister of State and form part of the procedures of the Bill.

Caoimhghín Ó Caoláin: These amendments ensure fair procedures for civil servants. They are a straightforward proposal to write fairness into the legislation. A civil servant should not just be afforded but should also be guaranteed the opportunity of making a representation to the appropriate authority. The place for that guarantee is in the legislation. Civil servants must be guaranteed a fair hearing and it is incumbent on the Minister of State to accept these amendments.

As the Government is not prepared to guarantee fairness in the procedure by its inclusion in a clear and unequivocal statement in the Bill, it sends out a worrying signal to the Civil Service. Members of the Civil Service must be told that what they have to state will be taken into account. This amendment will strengthen the legislation and also confidence within the public service. It will also ensure that any disciplinary measures will be undertaken on a sound basis. The amendment is a protection of the rights of employees in the Civil Service. As it is not reflected elsewhere in the Bill, it is important that it is included at this appropriate juncture and that the guarantee of fairness is there for all to know.

Mr. Bruton: Fair procedure is essential and I expect it to occur in all cases. These amendments are reasonable and will not do any damage to the Bill. There is the expectation that fair procedure will always be applied in public service decisions. To ensure that these rights are protected, it should be provided, as proposed in these amendments, in law.

Mr. Parlon: Section 15 of the Civil Service Regulation Act 1956 provides for the imposition

of disciplinary action in respect of civil servants. The Civil Service disciplinary code, which implements the 1956 Act, is set out in a Department of Finance circular. This is being revised in conjunction with the amendment of the 1956 Act. It will be negotiated with the civil service unions under the conciliation and arbitration scheme.

The code provides that an officer must be provided with a statement of the allegations made against him or her, all the evidence supporting those allegations and a statement of the proposed penalty if the allegations are substantiated. The officer is given an opportunity to respond to those allegations and may request a meeting with a personnel officer in order to discuss the case. Should the personnel officer subsequently decide that disciplinary action is appropriate, the officer may make written representations to the decision-making authority or request a review of the disciplinary proceedings by an appeals board prior to the imposition of the proposed sanction.

The appeals board comprises a senior counsel, a trade union representative and a Department of Finance representative. Appeals may be lodged on several grounds, including failure of the personnel officer to adhere to the disciplinary code, failure to ascertain all relevant facts of the case or to consider the facts in an unbiased fashion, failure to afford the officer reasonable facilities to answer the allegations against him or her or the punishment proposed is disproportionate to the offence committed.

Where the appeals board considers the case and finds that any of the grounds for appeal are substantiated, it may recommend that no further action be taken or that the personnel officer's recommendation to the decision-making authority should be amended in a specified manner, such as, for example, in terms of reducing the proposed penalty. Under section 15(5) of the 1956 Act and paragraph 3.7 of the disciplinary code, every officer is given the right to make representations to the appropriate authority before any disciplinary action is implemented.

I am confident that the new code will replicate the strong emphasis which is currently placed on the protection of the rights of the individual officer, particularly in respect to access to fair procedures. I consider the reference in these amendments to a civil servant's right to fair procedures is not required.

On Committee Stage, Deputy Burton stated that simply providing for officers to make representations to the appropriate authority without imposing upon it a requirement to have regard to those representations is not sufficient to satisfy natural justice dictates. She also stated that the legislation, if so drafted, would not meet reasonable constitutional tests. I have considered the Deputy's contention and, following consultation with the Office of the Attorney General, I cannot accept her reasoning.

Mr. Howlin: I am sure the Minister of State has——

Mr. Parlon: The constitutionality of the current position under section 15(5) of the 1956 Act states an officer shall be "afforded an opportunity of making to the appropriate authority any representations he may wish to offer". This has not been challenged up to now. It would be a perverse interpretation of the legislation to suggest that the provision of the right for a person to submit representations through a decision-maker does not impose a *de facto* duty upon the decision-maker to consider such representations.

A basic principle of fair procedure is that a person entrusted with a discretion, in this case whether to impose a disciplinary sanction, must consider all relevant matters and must exclude all irrelevant matters from his or her considerations. To suggest the text of the Bill confers no responsibility upon the appropriate authority to consider representations from the person whom the decision will directly affect is to suggest that the appropriate authority does not have to conform to this basic principle of fair procedure in deciding whether to proceed with disciplinary action. I do not accept this suggestion and, therefore, I consider it unnecessary to insert any further amendment to section 5(3). I do not accept the proposed amendments.

Mr. Howlin: The code of conduct is all very interesting. However, what is the legal status of the procedure to which the Minister of State referred? Creating laws is what the Oireachtas does. Codes and procedures are interesting, subject to negotiation and amendment, but do not come within the purview of the House. We are setting out the legal basis for the conduct of civil servants in public affairs and how they are disciplined.

Section 10(1)(a) contains serious sanctions that can be taken against a civil servant, such as placing him or her on a lower rate of remuneration, reducing him or her to a specific lower grade or rank or suspending him or her without pay. Section 10(3) states:

Before any action is taken pursuant to paragraph (a) of subsection (1) of this section, the civil servant concerned shall be afforded an opportunity of making to the appropriate authority any representations that the civil servant may wish to offer.

Deputy Burton's amendment proposes to add "and regard shall be had to the civil servant's right to fair procedures and to any representation made or evidence adduced by the civil servant". What is wrong with that? It sits perfectly well with the case made by the Minister of State on the agreed code of procedures.

I can only conclude that the Minister of State is against it because it comes from this side of the House. There are Ministers who take the line that

[Mr. Howlin.]

such amendments are unnecessary as they are covered in some other procedure. I am not interested in it being covered in procedure. We are making a law and it should be done in a fair and encompassing way to ensure that what the Minister of State claims is understood is explicitly stated. If the Minister of State is agreeable to the adherence of a civil servant's right to fair procedures and that the appropriate authority should have regard to any representation or evidence adduced, then it must be stated in the legislation. The Minister of State has given no coherent reason that this amendment will cause any damage to the Bill. He has not explained how it is counter to the agreed procedures in operation or it is not what is intended. Why is he then opposed to it?

Caoimhghín Ó Caoláin: We all have a right to assume that due consideration and a fair hearing will always be adhered to. However, we also seek to guarantee those rights in legislation. This Government appears to be set against guaranteeing rights in legislation — with the recently passed Disability Bill being a case in point — and here we go again. Why is the Minister of State against guaranteeing people's rights in law? This is a serious matter, as was the Disability Bill. We want all civil servants to be guaranteed a fair hearing when the situation presents. If this is not done and if the amendments and arguments presented are rejected, a worrying signal will be sent.

If I were a civil servant, I would be concerned if the Government refused to enshrine in legislation the simple guarantee — which should be a natural right in any event — to a fair hearing. I again join Deputy Howlin in appealing to the Minister of State to reconsider the position. If he does not disagree with it in principle and expects it to apply in practice, why does he not agree to include it in the text of this legislation? There is no explanation and nothing in his response to the initial arguments presented by either Deputy in any way explains why he would reject these amendments. I urge the Minister of State to reconsider and to accept them.

Mr. Parlon: As far as Deputy Howlin's question regarding the legal status of the code is concerned, any circular from the Minister for Finance is given effect by the Civil Service Regulations Act 1956.

Mr. Howlin: It is a legal instrument.

Mr. Parlon: Yes. As for the amendments' purpose in guaranteeing fair procedures, clearly it is important, in terms of fairness, that we have a disciplinary code within the Civil Service. This is accepted by all sides. There are sanctions provided, such as deferral of an increment, which can be applied under the code. Some of the other

issues must be agreed between the Civil Service's human resources management and the Department of Finance.

In terms of balance, all sorts of mechanisms, such as the appeals board, exist of which people can avail if they have difficulties. As far as the issue of discretion is concerned, someone must make a decision as to whether a disciplinary action should be taken and how discretion should be used when considering relevant issues and representations. The provisions in this legislation are as fair as anyone could expect within any place of employment.

Mr. Howlin: I accept the Minister of State's bona fides. I also accept that the procedures in the code are fair. That is why I am at a loss. Since the Minister of State agrees that there should be fair procedure, that regard should be had to representations and that there is a constitutional right to such procedures, why he is so opposed to including this in the statute? He has not given any reason, coherent or otherwise, as to why what he states is the case should not be made explicit in the Bill. Why does he oppose including in the legislation what he asserts has legal effect through a statutory instrument by way of circular from the Minister for Finance? Why should the latter not be placed in the Bill? I have not heard a shred of a coherent reason as to why this is the case.

The Minister of State indicated to the House that he agrees with the principle and with the proposals from this side of the House regarding fair procedures, that he agrees that there is a constitutional right for a civil servant faced with disciplinary proceedings which could — as I indicated in respect of subsection (1) — have serious consequences for him or her and his or her future. Why does he oppose accepting it? In the absence of any reason, coherent or otherwise, why we should not amend the legislation to be explicit in this regard, I must press the matter.

Amendment put and declared lost.

Caoimhghín Ó Caoláin: I move amendment No. 10:

In page 12, line 5, after “offer” to insert the following:

“having due regard to the civil servant's right to fair procedures and to a fair hearing for his or her case”.

Amendment put and declared lost.

Mr. Bruton: I move amendment No. 10a:

In page 12, line 5, after “offer” to insert the following:

“and if the person is dissatisfied with the decision reached, that person may seek independent review of the decision”.

I suspect that this amendment will suffer the same fate as the previous two amendments. There ought to be a provision that where someone is dissatisfied with a decision, he or she should have the opportunity to seek an independent review. I do not know whether the guidelines which the Minister of State read into the record deal with the issue of an appeal of that nature. Perhaps the he can comment.

Mr. Boyle: Given the Minister of State's enthusiasm for buying in expertise and the Government's enthusiasm for the use of consultants, it would be strange if he were not willing to accept an amendment of this type to the effect that there should be an outside independent position in respect of a principle of natural justice, namely, that people should have the right to independent reviews of disciplinary decisions. On those grounds, Deputy Bruton's amendment should be accepted.

Mr. Parlon: This Bill represents a significant step forward in the way in which staff are managed in the Civil Service. The Bill amends section 15 of the 1956 Act to provide, for the first time, that disciplinary action can be taken in cases of under-performance. In addition, this section broadens the range of disciplinary sanctions that are currently available to managers under section 15 of the Act. As a result of these amendments, the Act will deal with disciplinary issues in a more comprehensive manner than was previously the case.

The Deputy's suggested amendment will duplicate arrangements in place under the disciplinary and grievance procedures in the Civil Service. As stated on Committee Stage, it is normal practice in employment law, and in line with codes of practice issued by the Labour Relations Commission in respect of grievance and discipline, to develop internal procedures and policies in negotiations with staff unions and to give practical effect to legislative provisions. Internal policies provide the detailed procedures which ensure that management maintains satisfactory standards of conduct and performance and that staff are provided with access to procedures whereby alleged failures to comply with these standards may be fairly and sensitively addressed. The Bill does not and should not deal with detailed procedures and arrangements entailed in the disciplinary procedures.

On Committee Stage, the Deputy pointed out that the Bill went a long way towards aligning the rights of civil servants with those of private sector employees. This is a clear and fundamental principle of the Bill, particularly in respect of dismissal, as it provides that civil servants have the same right to appeal in cases of dismissal as a person employed in the private sector through extending the scope of the Unfair Dismissals Act to civil servants. In respect of disciplinary issues, there are already clear and specific arrangements

set out in the disciplinary code which have been agreed under the Civil Service conciliation and arbitration mechanisms.

Debate adjourned.

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

An Ceann Comhairle: The Select Committee on Social and Family Affairs has concluded its consideration of the Revised Estimate for Public Services for the service of the year ending on 31 December 2005: Vote 38.

Private Members' Business.

Liquor Licensing Laws: Motion.

Mr. J. O'Keeffe: I move:

That Dáil Éireann,

concerned by:

- plans by the Minister for Justice, Equality and Law Reform to increase the number of outlets selling alcohol by providing licences for the opening of café bars;
- the strong opposition to such plans expressed by leading health professionals and their consistent advice and evidence that greater supply of alcohol leads to greater consumption; and
- the lack of clear evidence that café bars will contribute to a reduction in the level of excessive drinking prevalent in Irish society;

calls on the Government to:

- abandon the Minister for Justice, Equality and Law Reform's plans for licensing café bars;
- put in place a co-ordinated approach at Government level to the preparation and implementation of a national alcohol strategy; and
- provide the necessary resources and direction to the Garda to ensure that existing legislation is enforced and public disorder related to so-called super pubs is tackled in a consistent way throughout the country.

I wish to share time with Deputies Twomey, Hayes, Pat Breen and Kehoe.

In the past few days, we have witnessed a significant and embarrassing public display of division and ineptitude within and between the parties in Government. It is a disgrace that it takes a Fine Gael Private Members' motion and the

[Mr. J. O’Keeffe.]
threat of 40 Fianna Fáil backbenchers crossing the floor—

Mr. Parlon: The Deputy must be joking.

Mr. J. O’Keeffe: The Minister of State, as messenger for the Minister, should hear it out.

Mr. Parlon: The Deputy has been gazumped. He is way behind the time.

Mr. J. O’Keeffe: It is a disgrace that it takes a Fine Gael Private Members’ motion and the threat of 40 Fianna Fáil backbenchers crossing the floor and voting with us to get the Minister to act. It shows scant regard for the intelligence of the public for the Minister, fresh from his defeat, to tell us that his climb down and adoption of the Licensed Vintners Association’s proposals on restaurants is a more radical plan than the one he started with. To call that radical is ridiculous. At a very minimum, the Minister should learn a little humility at this stage. It would also help if he was a little more honest in his presentation of the situation. The way the Minister has handled this issue is playground politics of the lowest order and shows how tired and weak this Government has become.

Before the absurd events of recent days, Fine Gael put forward this motion on foot of the Minister’s complete dismissal of the professional opinions of many of the country’s most respected public health professionals. Dr. Joe Barry, a member of the strategy task force on alcohol and the former president of the Irish Medical Organisation, who I am sure the Ceann Comhairle will know, said “the Minister has got it wrong if he thinks his Bill is going to improve things. He’s actually going to make matters worse.” Dr. Ann Hope, the national alcohol policy adviser to the Minister’s party and his ministerial colleague, the Tánaiste, Deputy Harney, warned that;

café bars are not going to reduce binge drinking. You cannot parachute a culture from one country into another.

Now that the debate has moved on we have an opportunity to discuss the Government’s attitude to Ireland’s collective drink problem and the complete lack of consistency in its approach. In May 2002, the strategic task force on alcohol, commissioned by the Department of Health and Children, informed us that in the ten years to 1999 alcohol consumption *per capita* soared by 41%. It informed us that in 2000, we were second only to Luxembourg for alcohol consumption with a rate of 11 litres per head of population compared with an EU average of 9.1 litres.

That same Government commissioned task force produced its second report in September 2004. It stated categorically that the Government should aim to reduce Ireland’s total *per capita* consumption to the EU average and that in order

to do so it should “Restrict any further increase in the physical availability of alcohol [including] the number of outlets and times of sale.” Could anything be clearer than that? Without equivocation, the recommendation was to restrict any further increase in the physical availability of alcohol, including the number of outlets and times of sale.

Meanwhile, at the Department of Justice, Equality and Law Reform, the Liquor Licensing Commission was busy at its own work. In July 2003, it produced a report. It said the opening of café bars was a possible way forward and flatly contradicted the findings of the strategic task force on alcohol. It said:

It is impossible to see how such outlets would contribute to an increase in the drinking habits of our people. Surely, the contrary is the case.

That is a view which happened to correspond with the Minister’s and as result it became Government policy.

This is not the way to run the country. We cannot and should not have one branch of Government basing its decision on public health and another basing its decision on issues like competition and the principle of liberalisation in complete ignorance of what the other is doing. Worse still, we cannot have one of those opinions being swept under the carpet because the Minister of the day does not share that view. It is astounding that in the same July 2003 report, the Liquor Licensing Commission states that, “The need for a co-ordinated approach to the preparation and implementation of a national alcohol strategy is obvious.” It goes on to state that, “Many Government Departments and agencies have an involvement in this area and the lack of a unified and coordinated approach will inevitably lead to interdepartmental tensions and conflict between competing public policy objectives.”

We have the ludicrous situation that one arm of Government, the Department of Justice, Equality and Law Reform, is calling for an integrated approach while being guilty of failing to adhere to that integrated approach in its later recommendations. The Minister has been extremely quick in acting on one of the recommendations, that is, café bars, but not so quick on acting on another recommendation, namely the integrated approach.

Lest the Minister put forward the usual old charge that Fine Gael has nothing positive to say, I refer him to the fact Fine Gael produced a policy document in 2003 on alcohol abuse. We are not visiting this issue for the first time. In that policy, Fine Gael called for exactly such a co-ordinated strategy through a Minister for State devoted to implementing Government policy on this. I am not suggesting for one moment that we should imitate what happens in the UK in every respect but at a very minimum, we can learn from its experience. It has the same types of problems and has a co-ordination system through the

Cabinet Office. I am not saying we should follow it exactly but it highlights the fact our neighbouring island confronted similar types of problems and came up with a solution which I understand is working. It is a great shame that in the heat of the absurd debate on café bars this sensible proposal was not adopted. Surely it should have been the first proposal to be adopted, providing as it does, a mechanism through which other measures could flow. A co-ordinated approach would not allow the Minister to follow his every dream, but that is something without which the nation could easily survive.

The Fine Gael motion specifically calls on the Government to put in place a co-ordinated approach at Government level to the preparation and implementation of a national alcohol strategy. As the Minister is present, I might focus on his oft repeated claim that his intention is to change drinking habits. In all honesty, does he believe café bars or this non-radical proposal of the licensed vintners in regard to restaurants to deregulate the restaurant industry will do that? Will either of those measures have any impact? I question if they will.

From an early stage I indicated my concern on behalf of the Fine Gael Party about the café bars proposal, but I agreed to examine it and I read the overwhelming evidence from health professionals that it would only add to the problem. It might sound fine in theory but in practice it would result in additional outlets and would involve additional drinking and additional problems in terms of alcohol abuse. That was the clear position I adopted and the Fine Gael parliamentary party endorsed it some weeks ago.

The Minister may later spell out the details of the latest proposal from the licensed vintners, that he adopted, but it is not a radical proposal. Its implementation would not change the situation unduly. I can understand the reason the Minister was prepared to adopt it. It enabled him to steer a course between the various rocks jutting out from the parliamentary party and other rocks jutting out from various vested interests. I do not suggest that it is other than a minor proposal but I am prepared to examine the details of it and form a view on it in due course. On the face of it, it will not affect the situation unduly.

In regard to the motion, I emphasise what is far more important is the issue of action on alcohol abuse generally. The strategic task force on alcohol sets us a target of 9 litres of pure alcohol consumption *per capita*. That is the EU average, but we are way above that target. Has the Minister any proposals on how we will reach that target? Is he preparing legislation, for instance, to ban alcohol company sponsorship of sporting events? Fine Gael called for that two years ago.

The strategic task force advises that: "Alcohol sponsorship links masculinity, alcohol and sport and provides promotional opportunities that go beyond the passive images of alcohol advertise-

ments." Where are the Minister's proposals in this area? Why is he so concerned with, as the Taoiseach put it yesterday, "fellas having a donut and a glass of milk while the fella beside you whacks into the whiskey"? Why is he not more concerned with the deliberate targeting of young people through the branding of every drink under the sun on the sports field? Is this not a serious issue to confront the nation and that should have engaged the Minister's attention rather than some of the ridiculous proposals with which he has come forward.

Mr. McDowell: Will we ban Liverpool from displaying the Carlsberg logo on its jerseys?

Mr. J. O'Keeffe: We will give the Minister a chance. I am not sure whether the Minister got some of that at the Fianna Fáil parliamentary party meeting.

Mr. Costello: Was alcohol served at it?

Mr. J. O'Keeffe: Where are the Government's proposals on community initiatives designed to curb demand from young people in this area? Why, in 2005, with the country awash with money can we not boast a world-class local sporting infrastructure? The Minister described the Taoiseach's Abbotstown proposal as being worthy of Ceausescu. Did he think beyond that sound bite to what the money should be spent on? The Government planned to spend €1 billion on the project. Where is the commitment to spend €1 billion on local sports facilities, on simple provisions as basic as goal posts and changing rooms for young people? Does he hope the 15 year olds hanging around street corners will go to their local restaurant and order dinner?

Is the Minister not aware of the Fine Gael proposals, in its comprehensive anti-social behaviour document, which include banning the sale of alcopops in off-licences and the establishment of alcohol-free hang out spots for young people? Is he not aware of the steps that have been taken in this area in other countries? Has he examined what changed the culture in regard to drink driving, to a considerable degree in Australia? It was very much related to random breath testing. The Government there established and advertised that such random breath testing would happen and such testing had a major impact on the driving habits of the Australian population.

Has the Minister examined the question of placing restrictions on the development of super pubs, in terms of their size and so on? Are these not the real issues? Are these not the types of possible solutions we should debate rather than the madcap, theoretical, social engineering idea of café bars on which the Minister has spent such time and energy?

While he is pondering that question, he might also ponder the issue of enforcement. The Fine Gael motion points to the necessity to provide

[Mr. J. O’Keeffe.]

resources and direction to the Garda to ensure that existing legislation is enforced and to deal with public disorder, which in many instances relates to super pubs. Is that not the issue that should have engaged the Minister’s interest?

I am sure he will not thank me for reminding him of the famous 2,000 extra gardaí he and his Fianna Fáil partners — if he and they are still partners and can be considered in that capacity — promised before the last election.

Mr. Costello: Like Christmas, they are on the way.

Mr. J. O’Keeffe: Deputy Costello is right. The facts speak for themselves. Taking retirements into account, since 2002, the Government has put only an average of 81 extra gardaí per year on the streets. That is roughly three for every county. That is a disgrace. That is the only way to classify that deployment.

It does not take a rocket scientist to understand that we can have all the law we want, but without the gardaí to enforce it, we will never have any order. The number of assaults causing harm hovers at around 4,000 a year. There are 54,000 public order offences. The same complaint is heard again and again — where are the gardaí on the beat when they are needed? Why, on a Saturday night in Dublin city, is Garda visibility so low? Faced with that appalling vista perhaps the Minister’s role in this whole sorry mess is slightly easier to understand. Having failed to put gardaí on the streets, to tackle violent disorder and to deliver on many of his promises, which turned out to be empty, he decided to divert national attention away from his record in office. Instead of allowing the focus to centre on his appalling record, as usual, he went for the headlines. Café bars were a convenient headline and, he thought, a convenient cover. He thought wrong.

Dr. Twomey: I would like to know exactly what happened here in regard to café bars. I would like to know what power the 42 members of the espresso gang has within Fianna Fáil that has led to this debacle for the Minister. Will they take credit in their constituencies for preventing it being overrun by the ravioli and Chianti set or are they exercising a power over Ministers that we have not seen previously?

In the past two months we had a Private Members’ motion on BreastCheck and cervical cancer screening which looked at the number of women who die because their breast cancer or cervical cancer is not diagnosed in time. The same Government backbenchers voted against it not once but twice and even three times by walking through the division lobbies to show they did not care a hoot about women with cancer. A few weeks later we had another Private Members’ motion dealing with the abuse of alcohol within accident and emergency departments. This was a

specific issue which dealt with how innocent patients and staff are treated and threatened by people who abuse alcohol within accident and emergency departments. It was mocked and jeered by those same people who now have a big issue with café societies and are prepared to drag a Minister before their parliamentary party to make a big issue of it. However, they did not make a big issue about what was happening in accident and emergency departments. A fortnight ago we had a Private Members’ motion on the abuse of the elderly in nursing homes, an extremely disturbing issue for the population, following a “Prime Time” programme. The same people who have such a major problem with drink had nothing to say on those three major issues.

I would like those same people to ask the Tánaiste and Minister for Health and Children, Deputy Harney, to come before their parliamentary party and explain why young women are dying of cervical cancer because it is not diagnosed in time, why older women are dying of breast cancer because it is not diagnosed in time, why our accident and emergency departments are taking on the appearance of war zones to the detriment of patients and staff and why the elderly who are at the most vulnerable stage of their lives are told by the Taoiseach they will have to wait until the autumn to get an independent inspectorate to protect their rights in nursing homes. Yet there has been such a hullabaloo over an issue that does not matter a damn to the majority of people. Whatever the Minister may feel about it, his café society was not going to come about, certainly not as quickly as he thought.

Too many Ministers within the Government are operating on a damage limitation exercise or on soft focus media interviews. What we notice is a distinct lack of leadership with Ministers behaving more like glamour boys in front of the TV cameras than doing their job and taking it seriously.

The Minister made a big issue of immigration, refugees and asylum seekers, yet it still takes four or five years for all these cases to be checked. Nothing has changed. This is the type of issue on which we would expect more from the Government. Café bars are nonsensical. Nothing has been done about the abuse of alcohol and it seems ridiculous that as a Minister and one who should know better, he sees alcohol as the same commodity as a loaf of bread or a car. Alcohol is totally different, it is a dangerous drug and the way it is dealt with in society is hugely important.

There are other proposals such as the direct selling of alcohol, where a 16 year old with a credit card can contact a company to deliver alcohol to his house. That is absolutely crazy from a medical point of view. The Minister needs to refocus on what he is talking about. Alcohol is a substance that is destroying Irish lives. The alcohol crisis in Irish society is probably as great as the child care crisis that is developing in certain

areas. Both are major issues, yet the Government has nothing positive to offer. It should be the intention of the Government to deal with those issues rather than continue the silliness that has been going on.

Mr. Hayes: I am pleased to have the opportunity to contribute to the debate on the Government's proposal in regard to café bars, an issue about which I feel strongly. The serious problem of binge drinking in Ireland is being approached from the wrong angle. The proposal to introduce café bars is a quick-fix solution which assumes that if these venues are opened up all over Ireland people would flock to them to enjoy a slice of pizza or a glass of wine and that would end the uncivilised binge drinking. Perhaps in Dublin 6 where there is a wide variety of social outlets to meet the needs of a sizeable population, café bars would fit neatly into the landscape, but in rural areas attempts to impose a new culture from the top down are unlikely to succeed.

I favour a more long-term systematic approach to tackle the well-documented crisis of binge drinking. We must begin by asking ourselves why people choose to binge drink. I hold the view that alcopops are responsible for the problem. Manufacturers of alcopops target young people by mixing hard liquor with enough sugar and chemicals to make it taste tolerable. These drinks are not only affordable but are fashionable among the young. Advertisements portray alcopops as an important accessory for a cool young person on a night out. These products should be banned as there is nothing to be said in their favour.

The pub as a social scene is part of the cultural fabric of Ireland. For generations, public houses have served as meeting places for communities who wish to relax and socialise after a long day or week's work. Recently, super pubs have distorted the image and function of the traditional pub and have no place here. Traditional pubs are not to be blamed for the binge drinking culture. Young people binge drink because there is nothing else to do. By their nature, people are sociable and need social outlets. Generally the only social outlet available to a young person, particularly in rural areas, is a public house. Unfortunately, many who know they will not be served in a public house choose to drink in another location and this is often more dangerous as it is not supervised. Providing young people with an alternative to this type of social life is the issue that needs to be addressed. This is where the culture shift needs to take place.

Young people should be educated to the consequences of alcohol abuse. As part of their education at second level they should be fully informed of the health risks associated with alcohol abuse, the effect alcohol abuse has on families and communities and the harrowing consequences of drink driving. Our young people are highly intelligent and should be provided with the

opportunity while at school to consider in a thoughtful way the effects of alcohol on society. In the long term we need to provide young people with alternative social opportunities. As a country we are sorely in need of youth clubs where young people from a community can come together and socialise. Some argue that the popularity of the pub is helped by the frequent rain. That is why young people need indoor facilities.

There are fine facilities in almost every parish. Unfortunately parish halls remain locked for most of the year due to lack of Government commitment and support to help pay insurance, heating, lighting and supervision costs. Some of the community schools and colleges have fine facilities available to the wider public but far too many schools with excellent facilities remain out of bounds for our young people after hours because of the cost of insurance. With a little effort and commitment to partnership from the Government the facilities of entire communities could be transformed overnight to provide alternative social outlets for our young people. For hundreds of years we have exported our young people. Given that they are staying at home, now is the time to provide facilities for them whether in rural or urban areas.

Mr. P. Breen: The Fine Gael Party was the first to point out the self-defeating role café bars would play in the Irish drink culture. I am pleased to note the Minister has abandoned these proposals. I am delighted he is back from the meeting with the parliamentary party and perhaps he will elaborate on it later. Both Deputy Hogan and I invited the Vintners Federation of Ireland to address the Joint Committee on Enterprise and Small Business recently, at which the vintners highlighted their concerns. We asked them to address the parliamentary party because we could see the problems associated with the Bill and with the café bar licences. While I do not wish to give in to the pressures from any particular lobby group, the vintners highlighted the issue of the viability of the industry and the dangers of introducing a free for all licensing system. This issue deals with more than simply the type of drink that can be ordered with a meal; it touches the serious and growing problem of alcohol abuse, particularly among young people. Deputy Jim O'Keeffe quoted Dr. Anne Hope, Dr. Colin Drummond and Dr. Joe Barry. The liberalising of restaurant alcohol licences will not reduce binge drinking but neither will it act as an encouragement. It will encourage people to eat and drink sensibly. If people want to drink themselves silly they will do so.

Two issues need to be addressed, namely the ready supply of alcohol and, more important, the thinking behind binge drinking which is the nub of the problem. The implementation of the national alcohol policy in this regard would be a useful step. I remind the Minister, Deputy McDowell, and the Tánaiste and Minister for

[Mr. P. Breen.]

Health and Children that if she examines the shelves in her office she will discover that a national policy on alcohol existed and was drawn up by Deputy Noonan when he was Minister for Health. It is shameful that there have been three Ministers for Health and Children from the Government parties, Deputies Cowen, Martin and Harney, and they have all failed to advance the policy document drafted nine years ago by Deputy Noonan, the then Minister for Health. A decade ago the problems caused by alcohol were all too obvious. The Tánaiste would use her time much better if she consulted this strategy and its recommendations. Deputy Jim O’Keeffe has referred to some of the recommendations, among them the need for an integrated policy aimed at tackling the cause of excessive drinking through health promotion, education and the restriction of alcohol advertising.

I refer to a recently published European school survey project on alcohol. In this survey regular drinking is defined as being drunk ten or more times in the past 12 months. In 2003, Ireland ranked second after Denmark and highest of the 35 ESPAD countries in terms of the number of school going children who engaged in binge drinking three times or more. Binge drinking is defined as consuming five or more drinks. We have a national crisis which will be all too obvious to see when the exams finish this summer and the students celebrate with binge drinking. We do not have a targeted health promotion or a mandatory identity card scheme.

It has been argued that people will flock to superpubs in their hundreds. I am no fan of superpubs and they should not dominate this debate. As Deputy Hayes said, we should not forget the small, family-run pubs which are the backbone of the Irish hospitality industry and are an attraction for tourists. Every village and town in Ireland has a pub. They play an important role by giving local employment, providing a welcome retreat, offering food, drink, conversation and entertainment. They have played a significant role in the revival of Irish traditional music. Tourists do not come to Ireland to visit superpubs but rather to enjoy our traditional pubs which are becoming an endangered species. I am not a fan of superpubs. Traditional pubs are part of the fabric of society.

In my constituency of County Clare, 26 out of a total of 400 traditional pubs have closed in the past 12 months, a decline of 7.5%. Many of the remaining pubs exist on turnovers earned through long opening hours. Publicans have accepted the smoking ban. It is to be regretted that the Minister’s proposals did not deal with the protection of the traditional industry in the context of sensible drinking. Some publicans have been prosecuted for allowing underage drinking but the majority of publicans are law abiding.

Mr. Kehoe: I welcome the opportunity to speak on this important motion. I thank Deputy Jim O’Keeffe, Fine Gael spokesperson, and Deputy English for tabling this motion. It seems strange to be debating a subject which is a climb down for the Minister. In the face of the Fianna Fáil parliamentary party he had to say he was wrong. For a long time the Minister has been given a blank cheque by Fianna Fáil to dream up any legislation he wished. They found to their cost that the legislation on café bars was closest to his heart. He pushed his plan against the advice of most professionals and experts in the area until a rebellion on the Government backbenches caused his latest climb down.

The Minister is a very well-educated man but he went against the advice of the leading professionals in the Department of Health and Children and the National Youth Council of Ireland. Fine Gael has recently been organising public meetings across the country on anti-social behaviour. The café bar folly of the Minister would add to the problem of anti-social behaviour even though he argued that this proposal would help stop underage drinking and anti-social behaviour. However, he did not explain how it would stop binge drinking.

On the one hand, the Minister is bringing in the Criminal Justice Bill, with nothing to say on alcohol-related crime while on the other he wanted to dramatically increase the number of liquor licences by way of the Intoxicating Liquor Bill. This major confusion at the heart of the Government’s legislation will surely have an effect on the public. They will see that this coalition is at sixes and sevens and is paralysed at the highest level. It seems Fianna Fáil backbenchers are becoming nervous about the plans of the Minister for Justice, Equality and Law Reform and there has been a rush of Government backbenchers running to the newspapers and calling the Minister’s proposals “daft”. Deputy McGuinness has been quoted as saying he was “fed up of Michael McDowell making pronouncements about everything”. He called these proposals “daft”. The Minister may smirk but he should not forget he is in Government with Fianna Fáil. When people on his side of the House are calling him “daft”, those of us on this side of the House cannot all be wrong.

Mr. J. O’Keeffe: With friends like those, who needs enemies?

Mr. Kehoe: Exactly. I applaud the Fianna Fáil backbenchers for killing the café bar proposal at birth. I admire the manner in which they opposed the Minister. He was like a spoiled child in that he had to get his own way so he decided to turn to the restaurants instead of the café-style bars. It was a case of getting them one way or another.

It took the threat of Fine Gael’s motion to make the backbenchers wake up and see the daftness of proposals being denounced by every

medical organisation in the country. These proposals would have led to a massive strain on our accident and emergency departments as well as causing an upsurge in drink driving incidents.

Deputy Twomey recently tabled a Private Members' motion on accident and emergency departments. Drink-related incidents create major problems in accident and emergency departments especially from Thursday night through the weekend in the main built-up areas. The strategic task force on alcohol last year recommended the need for a restriction on any further availability of alcohol for underage drinkers. At weekends we see people, especially under the age of 18, the minimum age for purchasing alcohol, falling around the streets. Café-style bars would give under age people another opportunity to readily get drink. If the Minister is really interested in addressing the problems of alcohol, he should consider the issue of under age drinking and tackle the problem head on, which he is completely failing to do.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I move amendment No. 1:

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

- welcomes the Government's decision to codify Ireland's liquor licensing laws into one coherent modern statute;
- welcomes the Government's decision to seek the views of the public and interested parties on the reform proposals set out in the Government's consultation paper;
- commends and endorses the policy goal of the Minister for Justice, Equality and Law Reform to radically liberalise the law relating to alcohol sales in restaurants to give people a better opportunity to responsibly enjoy alcohol in the context of consuming food;
- calls on the Minister for Justice, Equality and Law Reform to develop provisions relating to the consumption of alcohol in restaurants which will end arbitrary and outdated distinctions and restrictions, and will give responsible consumers a real choice;
- draws attention to proposed streamlining of the licensing system whereby all applications for retail licences, nightclub permits and exemption orders will be dealt with by the District Court;
- welcomes the establishment of statutory linkages between the Planning and Development Acts and licensing provisions with a view to promoting coherence between the licensing and planning codes and ensuring compliance

with building control and fire safety standards;

- welcomes the strengthening of provisions designed to combat the sale and supply of alcohol to under age persons and to prevent alcohol-related harm;
- draws attention to proposals to enhance Garda powers in relation to applications for retail licences, nightclub permits and exemption orders and to increase penalties and sanctions for breaches of licensing law; and
- commends the Minister for Justice, Equality and Law Reform for his proposals in the Criminal Justice Bill 2004 to enhance the powers of the Garda in the investigation and prosecution of offences, in particular his proposal to provide for a fixed charge procedure in relation to less serious public order offences."

Following enactment of the Intoxicating Liquor Act 2000, which gave effect to certain reforms of licensing law, the Government, in which my predecessor, Deputy O'Donoghue, was Minister for Justice, Equality and Law Reform, established the Commission on Liquor Licensing in late 2000 under the chairmanship of Gordon Holmes. Its mandate was to review the liquor licensing system and to make recommendations for a licensing system geared to meeting the needs of consumers in a competitive market economy while taking account of the social, health and economic needs of a modern society.

The commission was a broadly representative body and contained members drawn from licensed trade bodies, employer and trade union groups, consumer and competition interests and from relevant Departments and public bodies. The commission produced four reports during its existence, including the final report, which the chairman presented to me in April 2003. This report contained certain urgent recommendations designed to combat drunkenness and disorderly conduct in and in the vicinity of licensed premises and to tackle the problems of under

age and binge drinking. I took decisive action following receipt of the commission's recommendations and introduced the Intoxicating Liquor Act 2003. The Government's urgent response to the commission's report has been effective in tackling serious problems to which the commission had drawn attention.

The Commission on Liquor Licensing also recommended a codification of the licensing laws in one of its earlier reports. Such a codification of the licensing laws is long overdue. It was first recommended as far back as 1899 when the Royal Commission on Liquor Licensing Laws stated "we are strongly of opinion that the Irish Licensing Laws should be codified and simplified in the same way that we have already recommended for

[Mr. McDowell.]
England and Scotland". Two subsequent Governments, one under Cumann na nGaedheal in 1925 and one under Fine Gael and others in 1957, appointed commissions, which also recommended that codification of the law in this area should be undertaken as soon as possible. I accepted the commission's codification recommendation without hesitation and I am pleased the Bill I have brought forward is the first codification of licensing law since the foundation of the State.

The Government's proposals for a comprehensive codification of our licensing laws and provisions relating to the registration of clubs are set out in the general scheme of the Intoxicating Liquor Bill 2005 which I published recently and on which I sought the views of the public and interested parties. The main purpose of the Bill is to streamline and modernise the liquor licensing laws. This involves repealing the Licensing Acts 1833 to 2004 and the Registration of Clubs Acts 1904 to 2004 in their entirety and replacing them with updated provisions more suited to modern conditions. The existing stock of more than 600 licensing and excise provisions that are spread over approximately 100 statutes will be swept away and replaced by a single statute. This will provide a modern regulatory framework for the 21st century.

The new code will clarify the law, streamline the licensing system, improve public participation and improve compliance with and enforcement of licensing law. That in itself will represent a tremendous contribution to the process of regulatory reform, including the repeal of pre-1922 statutes, to which the Government has committed itself. My proposal to codify the law has been broadly welcomed by the licensed trade and drinks industry, the Revenue Commissioners, the Courts Service, the Garda and all the organisations with an interest in this area.

As I said consistently from the outset, the primary objective of these reforms, apart from simplifying and streamlining the licensing system, is to encourage the consumption of food with intoxicating liquor. As I said many times, we need a cultural shift in our approach to alcohol consumption, a shift towards moderate social consumption and away from the excessive consumption patterns and binge drinking that so often result in alcohol-related harm.

The proposed Bill contains a broad range of structural reforms and I want to draw attention to the following aspects in particular. It proposes a new streamlined District Court procedure applicable to all retail liquor licences. It creates a new nightclub permit for nightclub operators that will replace the special exemption orders currently granted by the District Court. It provides for new theatre licence provisions which will require application to the District Court for a certificate and which contain new arrangements for opening hours. It replaces five types of manufac-

turer's licence with a single producer licence. It replaces four types of wholesaler's licence with a single wholesale licence.

Under the proposed new licensing system, all applicants for retail licences will in future need to apply to the District Court for a court certificate. The court will grant this certificate provided that the applicant can demonstrate compliance with the statutory requirements and provided that the court does not allow an objection by a competent objector on one or more of the listed grounds. The other main changes to the application procedure are as follows. In future, proof of planning permission and compliance with planning conditions and fire safety conditions will have to be presented to the District Court. No such statutory requirements apply at present even though some courts already insist on presentation of planning permission. Where the applicant for a licence is a company, the character and fitness of company directors may be taken into account by the District Court in deciding whether to grant a certificate for a licence. The applicant's knowledge of the licensing laws may also be taken into account.

The current *ad interim* system for transferring licences, which is open to abuses, will be discontinued. In future a purchaser of licensed premises must apply to the court for a licence. The holding of licences in the names of nominees will be prohibited. The existing "adequacy" ground on which an objection may be made to the grant of a certificate, which is open to being used as an obstacle to prevent new entrants to the licensed trade, will be replaced by a new ground of "an undue risk of either public nuisance or of a threat to public order or safety." The Health Service Executive will be made a competent objector to new licences. This will allow the Garda, for example, to object to an application on public order or safety grounds.

At present, the planning laws and licensing laws operate as separate codes. The Bill proposes to amend the Planning and Development Act 2000 to require planning authorities to include objectives for the location of licensed premises within the zoning provisions in their development plans. This change is in line with the recommendation of the Commission on Liquor Licensing in its final report where it stated, "local authorities rather than the courts are the appropriate bodies to assess the suitability and location of premises for the sale of alcohol."

The Bill also makes an explicit link with the planning code in the streamlined court procedure for applications for certificates for new retail licences. In future, before granting a certificate, the District Court will require evidence that planning permission has, if required under the planning code, been obtained and that any conditions attached to the planning permission have been complied with. Moreover, certification of compliance with fire safety standards by a suitably qualified person will also be mandatory. This provision is designed to promote coherence between

the planning and licensing codes and to ensure the safety of customers and staff in licensed premises. In the presence of my colleague, the Minister for the Environment, Heritage and Local Government, I should add that he has recently taken steps to make the opening of an off-licence a matter that requires planning permission and not a matter for exemption under the Planning Acts.

The creation of a café bar licence was a recommendation in the final report of the Commission on Liquor Licensing. As stated, the commission was a broadly representative body, which included representatives of the licensed trade and the hospitality sector. It concluded that the historically restrictive nature of the licensing laws had resulted in the development of "super pubs" which, while generally well managed and catering for an important segment of the market, tended to create noise and nuisance for local residents and made compliance with and enforcement of the licensing laws more difficult for licensees and the Garda alike. The commission also considered that large numbers of people emerging from such premises at closing time increased the risk of public disorder.

The commission's suggested alternative was continental-style café bars, which would be required, as a condition of the licence, to provide food as well as alcoholic and non-alcoholic beverages and which could provide an atmosphere and ambience that encouraged the moderate consumption of alcohol. The café bar proposal was a delicately crafted, balanced compromise between radically differing alternative views, which sought to balance the interests of those resistant to change and those expecting reform. It is a tribute to the skills of Gordon Holmes that he managed to achieve a sufficient consensus on such a proposal. Like other Deputies, I recently received a submission from the licensed trade which sought to disparage the work of the commission and drew attention to the fact that a significant minority of commission members voted against the café bar proposal, which, while true, is somewhat disingenuous. Half the opposition to café bars came from those opposed to reform while the other half considered that it did not go far enough to satisfy competition requirements and consumer expectations. The latter group included representatives of the Department of Enterprise, Trade and Employment and the Competition Authority, as well as Carmel Foley, the Director of Consumer Affairs.

Despite personal misgivings on my part that the café bar proposal did not go far enough towards broadening consumer choice and that the size limitation might jeopardise their financial viability, I was prepared to take forward the commission's recommendation and to publish for consultation proposals for the creation of the new café bar licence in the codification Bill. I must stress that I put it forward on the basis of the commission's proposals and not my own. The

Government was conscious of the likely public controversy concerning the café bar proposal but instructed me to issue the proposal on a consultative basis to advance the public debate.

When I launched the general scheme of the Intoxicating Liquor Bill, I made it clear that the decision to introduce the café bar licence would await the outcome of the public consultation process. Based on the outcome of that process and following consultation with the Taoiseach, I propose to replace the café bar concept with a radical reform of the licensing regime for restaurants. In the absence of the commissioner's report, this would have been my preferred way to proceed.

Mr. J. O'Keefe: The Minister is rewriting history.

Mr. McDowell: The Intoxicating Liquor Act 1988 created a special restaurant licence. It may be obtained from the Revenue Commissioners on foot of a Circuit Court certificate and on payment of a fee of €3,805. Despite reforms in the Intoxicating Liquor Act 2000, many unreasonable and discriminatory restrictions still apply to the special restaurant licence. The so-called declaratory procedure, whereby a person proposing to construct or acquire licensed premises may obtain the necessary court approval in advance, does not apply to applicants for this licence. Instead, an intending applicant is expected to undertake the investment in the restaurant without any guarantee that a Circuit Court certificate will eventually be granted. An applicant for a public house licence can, on the other hand, avail of the declaratory procedure and can secure the certificate before embarking on the project.

Holders of special restaurant licences are restricted from engaging in any other business that is not ancillary to the provision of substantial meals. This prohibits them from providing accommodation for guests, from operating fishing trips or horse riding, from operating a gift shop or from selling local crafts to guests. There are no prohibitions of this nature on vintners. Holders of the special restaurant licence are not allowed to obtain an occasional licence from the court for an event taking place at a location that is not licensed, even if the event for which the licence is being sought is a dinner or meal for a particular organisation or group which a restaurant would be well suited to providing. Intoxicating liquor cannot be served in such a restaurant while a menu is being considered but only when a meal is ordered. The fear presumably has been that guests might have a drink and then leave without having a meal, doing damage to local pubs by giving custom to restaurants. Alcohol served with a meal must be consumed before, during or within 30 minutes of completing a meal. Anybody who wants a drink after this 30 minute period is expected to visit the nearest public house or hotel. All alcoholic drinks must be paid for at the same time as the meal. This means a guest or

[Mr. McDowell.]

member of a group cannot purchase drinks unless these are paid for by the host at the same time as the meal itself.

The fact that, 16 years after the 1988 Act, there are still only about 300 special restaurant licences may be explained by the continued operation of outdated restrictions which are designed to discourage its use and to make life difficult for those who go to the trouble of obtaining it. I propose to sweep away all these arcane restrictions. Most restaurants do not have a special restaurant licence and cannot sell beer or spirits. I reckon that only 10% of restaurants have gone through the process of getting those special certificates because they are so onerous.

As part of the reform package, I intend to retain and adapt the wine retailer's on-licence which I had originally intended to drop in favour of the café bar licence. In future, it may be obtained from the District Court, subject to payment of a fee, rather than directly from the Revenue Commissioners. On its own, it will be a licence to operate a wine bar and there are no size restrictions on such premises. Combined with a restaurant certificate, which is provided for in the draft Bill, it will continue to provide a basis for operating a restaurant and supplying all types of alcohol to persons consuming a substantial meal. It will still be possible for holders of this licence to apply for special exemption orders.

The reforms I am proposing to the licensing regime for restaurants, as well as the sweeping away of unnecessary and anti-competitive restrictions, will contribute in a practical and meaningful way to the development of a continental café restaurant culture in this country.

Mr. J. O'Keefe: The Minister is game to the last.

Mr. McDowell: It has been suggested recently that the vintners' organisations have themselves proposed the reform of restaurant licence rules as an alternative to the café bar licence. I welcome their support, but I am quite sure that support would not have been voiced were it not for the decision to hold a public consultation on the café bar licence.

Mr. J. O'Keefe: Who is supporting who?

Mr. McDowell: I defy anyone to contradict that.

The so-called extinguishment requirement is the current rule whereby an applicant for a new licence for a public house or for an off-licence premises must present the court with evidence that an existing licensee has agreed to extinguish a current licence. I had intended to retain this provision, which many regard as restrictive and anti-competitive, as part of an overall package that included the creation of the new café bar licence. Without the café bar element, its reten-

tion will have to be reassessed. A question that now needs to be addressed is whether the decision to replace the café bar licence by a liberalised restaurant licensing system constitutes an obstacle to freedom of movement within the EU and infringes EC treaty rights to establishment and freedom to provide services. For example, if an EU national wishes in future to exercise his or her right of establishment to open a bar in this country, that person will now have no option but to seek to obtain, by whatever means, the agreement of an existing licensee to extinguish a current licence. There is no discrimination involved, as the rule applies to all, but the procedure lacks transparency and certainty.

For example, there is no register of licences available for extinguishment. There are, admittedly, auctioneers and agents who seek to put intending applicants in touch with licensees who may, depending on price, be willing to extinguish a licence, and licences for extinguishment are occasionally advertised in the newspapers. Availability also depends on demand, and as our population increases beyond 4 million and new urban centres are developed, there is a real probability that the price of extinguishment will increase. It has already increased from about €75,000 a few years ago to about €170,000 today.

The major driver behind this phenomenon is the increase in off-licence premises. Those who are concerned about the proliferation of off-licences should remember that the current boom in the value of licences for extinguishment is largely driven by the boom in demand for off-licence premises.

I am conscious that retention of the extinguishment rule without the alternative of a café bar would be construed by the European Commission as a means of discouraging non-nationals from exercising their rights of establishment and freedom to provide services in this country. Currently there are no EU laws relating to the operation of licensed premises and member states remain generally free to operate their own rules. The developing case law of the European Court of Justice suggests, however, that even in non-harmonised areas, member states must have regard to basic EC treaty freedoms. It could be claimed in defence of the extinguishment requirement, as has been argued recently by certain public health interests, that it is a necessary public health measure designed to limit the availability of alcohol. Unfortunately, alcohol consumption data suggests otherwise. It might be hard to convince the European Court of Justice of its public health merits given that a licence can be transferred from small uneconomic premises in a rural area to a superpub in some expanding urban centre. Its effectiveness is also doubtful in light of the 41% increase in alcohol consumption *per capita* which, according to the strategic task force on alcohol, took place between 1989 and 1999 with no increase in licence

numbers. There is also an issue of population growth.

In any event the Court of Justice, while recognising the validity of health arguments, would be likely to question the proportionality of such a requirement and seek to explore whether less restrictive alternatives might not achieve the desired public health objectives. The matter is under consideration in my Department and the advice of the Office of the Attorney General has been sought. Any proposal to retain the extinguishment requirement might yet have to be notified to the European Commission under the so-called transparency directives. These directives are intended to give the Commission, and the other member states, an opportunity to consider member state proposals which might have an adverse impact on the exercise of EC treaty rights in the Internal Market.

In bringing forward proposals to reform the licensing laws, I am conscious of public concerns about alcohol-related harm in our society. For this reason, the proposed Bill contains safeguards that are intended to combat such harm. These include extending the jurisdiction of the courts to all retail licences and nightclub permits and giving specified notice parties and the public the right to object to the grant of a licence or permit, streamlining the system for renewing licences and clarifying the right of members of the public to object to such renewal on stated grounds, strengthening provisions designed to combat sales to under-age persons by requiring all off-licences to have written policies and control procedures, creating a new offence of being in possession of a forged Garda age card, as well as increasing the levels of penalties and sanctions, including a proposal that all temporary closure orders should involve closure for a minimum of two days.

The Bill does not propose any significant changes to existing opening hours. Certain changes recommended by the Commission on Liquor Licensing were introduced in the Intoxicating Liquor Act 2003, such as earlier closing on Thursday night, and no significant changes are proposed in this Bill. A number of relatively minor adjustments are included which relate mainly to the longer opening hours permitted under general exemption orders and exemptions for special events.

In all cases, reform is intended to clarify the law with a view to improving compliance and facilitating enforcement by the Garda. The new licensing arrangements set out in the
8 o'clock Bill will allow the Garda to object to applications for retail licences, nightclub licences, special exemption orders and club registrations on grounds of undue risk of public nuisance or threat to public order or safety. In addition, the Garda will be able to apply to the District Court to have a nightclub permit revoked on the grounds set out above. Provision is made for offences relating to drunkenness and disorderly conduct on licensed premises and under

age drinking. Certain provisions will be strengthened to combat under age consumption of intoxicating liquor, in which context a new offence of being in possession of a forged or altered age card is being proposed. In future, a member of the Garda will have the right to arrest a person who refuses to give his or her name and address, which right does not currently exist in all circumstances.

The Bill will provide for a consistent and coherent system of sanctions and replace the current patchwork of penalties which has evolved over time. Increased fines and penalties are proposed, including a minimum closure order of two days. Clarifying and streamlining the licensing code will help to improve compliance by licensees and enforcement by the Garda. The Garda already has extensive powers under the Public Order Acts of 1994 and 2003 to deal with the effects of intoxication and disorderly conduct in public places. The 2003 Act provides that the District Court can make an exclusion order as an additional penalty where a person is convicted of a public order offence under the 1994 Act. An exclusion order prohibits a person from entering or being in the vicinity of specified premises covered by the Act. The Act also allows the Garda to apply to the District Court for a closure order in relation to premises such as pubs, off-licences, nightclubs and food premises where there are disorder or noise problems.

I wish to discuss my fundamental approach in this area. I listened with interest to the contributions of the Deputies opposite which ranged in tone and content. It is interesting that a series of proposals from Government in the form of draft legislation in response to the report of a broadly-based commission has encountered in the House negativity and opportunistic posturing on the part of the proponents of tonight's motion.

Mr. J. O'Keeffe: Codology. The Minister should tell us about the scolding he got from Fianna Fáil backbenchers.

Mr. McDowell: We have had the slightly sad spectacle of people saying that alcopops should be banned. What do they mean by that? Should a vodka and orange or Bacardi and Coke not be available?

Mr. J. O'Keeffe: Fine Gael policy is that alcopops should be banned in off-licences. The Minister should take the trouble to read it.

Mr. McDowell: Should Baileys Irish cream or anything that sweetens alcohol be banned? I would like to understand the proposition better. Likewise, it has been proposed that alcohol related sponsorship should be prohibited at all sporting events. Are we to allow Liverpool to appear on our television screens with Carlsberg emblazoned on their chests or say that no Irish team can display such sponsorship? Are the Budweiser Derby and the Heineken international

[Mr. McDowell.]
rugby competition to be banned in Ireland?
Where are the well thought-out proposals?

Mr. J. O’Keeffe: Where are they? Who is in Government?

Mr. McDowell: Deputy Jim O’Keeffe is the person who came up with this.

Mr. J. O’Keeffe: I told the Minister that these are areas to look at, but he has done nothing about them.

Mr. McDowell: The more I listen to Deputy Jim O’Keeffe’s ponderous vacuity, I realise that none of the thoughts he expressed this evening has been thought through for one minute. None of the implications has been thought through, which was not the case with the intoxicating liquor commission which sat for a number of years.

Mr. J. O’Keeffe: The Minister should tell us about the scolding he got from Fianna Fáil back-benchers.

Mr. D. Wallace: Deputy Jim O’Keeffe put down the motion.

Mr. McDowell: I wish it to be very clear to the House that we face in Ireland a number of problems, one of which is the abuse of alcohol by young people. One of the ways in which we must respond is to provide social outlet choices of the kind referred to by Deputy Jim O’Keeffe and other contributors which do not involve the consumption of alcohol.

Mr. J. O’Keeffe: It is not happening.

Mr. McDowell: It is an accepted point of view. However, those people who go drinking should be given the choice to eat and drink in moderation rather than have to go to exclusively drink orientated places which have a monopoly on the sale of spirits and beer. Young people in Ireland deserve the choice and I make no apology for saying I will do my best to bring it to them.

Anyone who opposes choice with a stethoscope round his neck while his hand is on the lever to pull a pint is dressing up economic reasons as health concerns and I have little time for him. While I realise that some Fine Gael speakers spoke from an exclusively health perspective, others stood up behind them and revealed the reality.

Mr. J. O’Keeffe: The Minister has ignored the health perspective.

Mr. McDowell: They said rural pubs were under threat and asked me what I proposed to do to safeguard the economic well-being of rural publicans in this statute. One cannot have it both ways.

Irish society is moving on and changing and it has problems. The alcohol problem derives in large measure from a superabundance of resources in the hands of a young generation in their late teens and early 20s around whom a social structure exists in which entertainment and amusement is centred on the consumption of drink. We live in a society in which off sales are growing and alcohol is available in slabs of cans to be brought home and consumed.

Mr. J. O’Keeffe: It is 50% of all sales.

Mr. McDowell: While we live in a society which has a number of problems——

Mr. J. O’Keeffe: We live in a society in which the Government does nothing to address our problems.

Mr. McDowell: Deputy Jim O’Keeffe had his opportunity to speak. The House has a duty to legislate to codify the licensing laws.

Mr. J. O’Keeffe: That is not a problem.

Mr. McDowell: No one has a problem with that. The House is also obliged to provide for a modern generation of young Irish people the opportunities to which they are entitled. The House has an obligation to put before those people a real choice. They should not have to choose between beer and food as is currently the case. We have the opportunity to adopt a more continental approach, to be brave and to put our bow into the wind instead of being frightened by vested interests and others and cajoled into doing nothing. We know what the problems are.

It is not an answer to the case for the reform of licensing laws to say we should have sports facilities.

Mr. J. O’Keeffe: It is one of the answers.

Mr. McDowell: It is not an answer to say we should ban all sports-related sponsorship by alcohol producers, it is, rather, impractical and foolish. It would be impossible to achieve on an international level and would put Irish sport at a very serious disadvantage.

Mr. J. O’Keeffe: Has it been raised at EU level?

Mr. McDowell: We must be practical and honest.

Mr. J. O’Keeffe: Exactly. That is what is needed, but we do not get that from the Government.

Mr. McDowell: I believe most emphatically that the consumption of alcohol with food is part, though, I concede, not the entirety, of the solution. As long as we surrender to vested interests to separate the consumption of Irish produced

alcohol, be it spirits or otherwise, from food and withdraw from most people in Ireland the opportunity to combine the two, we must take moral responsibility for the emergence of superpubs and the binge drinking culture. We cannot have it both ways.

Mr. J. O’Keeffe: Let us do something practical.

Mr. McDowell: Posturing, huffing, puffing——

Mr. J. O’Keeffe: No better man.

Mr. McDowell: ——and presenting naked advocacy of vested interests as a concern for public health does no credit to the people who moved tonight’s motion. The record shows that when Gordon Holmes produced the commission’s report there was not a squeak from Fine Gael. The party’s participants in chat shows postured as advocates of modernisation and reform only to engage——

Mr. J. O’Keeffe: The Minister should tell the House about the squeaks from the Fianna Fáil backbenchers and describe how they treated him. The Minister should show us the scars and stop his huffing and puffing.

Mr. McDowell: ——in the greatest regression away from Civil War politics, with Fine Gael joining the Fianna Fáil backbenchers who have difficulties with all of this tonight.

Mr. J. O’Keeffe: He is still firing off shots.

Mr. McDowell: I was glad to go to a democratically elected group of people and discuss the matter with them. I am always happy to do that.

Dr. Twomey: The Minister has been greatly humbled.

Mr. McDowell: I am equally glad to say to this House——

Mr. J. O’Keeffe: The Minister went in with his tail between his legs.

Mr. McDowell: ——that I have and will listen to the expression of public opinion. I advanced the proposal for café bars because my Cabinet colleagues asked me to put it out there for consultation.

Mr. J. O’Keeffe: The Minister is blaming them now.

Mr. McDowell: The aim was to test the waters.

Mr. J. O’Keeffe: He is thrashing around now.

Mr. McDowell: The Deputy should not let the truth get in the way of his own prejudices.

Mr. J. O’Keeffe: The Minister never mentioned his Cabinet colleagues.

Mr. McDowell: This is the truth. I put it out there and we have had a public debate. I will be the person and the Government will be the Government that has done something about this matter. The waffle, posturing and moralising opposite will be long dead——

Dr. Twomey: The Minister has done nothing yet.

Mr. J. O’Keeffe: The Minister will be knocked off his high horse.

Mr. McDowell: ——when the Bill is law and the people salute a Government that had the moral courage to take on vested interests instead of moralising and blustering about it.

Dr. Twomey: The Minister should come back when he has something to put to the House.

Mr. Costello: I wish to share time with Deputy O’Shea.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. Costello: The Labour Party welcomes this timely Fine Gael Private Members’ motion. I also welcome most of the amendments to the motion tabled by the Minister, including the proposal to allow restaurants a full drinks licence, which is both desirable and timely. I further welcome the proposal to give greater powers to local authorities regarding the licensing of premises. I hope that provision will not be watered down.

I am concerned however at some of the Minister’s remarks, especially his representation of Mr. Gordon Holmes of the Commission on Liquor Licensing, to which I will return in a moment. I am also particularly concerned with the proposal the Minister slipped in on page 14, that gardaí may in future arrest without warrant a person who refuses to supply his or her name and address when requested to do so by a garda. There is no reference to suspicion of involvement in any offence or to a reasonable belief that a crime has been committed.

Mr. McDowell: That is in the Bill.

Mr. Costello: I consider the stark way it is put undesirable. I do not accept that the Minister’s proposed provisions will combat the sale and supply of alcohol to under age persons, no more than café bars would have contributed to a reduction in under age drinking and binge drinking. The Minister is aware of my opinion on this matter, that the problem cannot be addressed without tackling sales to minors from certain off-licences. This matter has never been addressed. I repeat *ad nauseam* that the only way to tackle it is to address the identification and labelling of units of alcohol emanating from off-licences, which could be done through the use of bar coding or some other aspect of modern technology.

[Mr. Costello.]

The Minister's coalition colleagues have shafted him and the shafting of a Minister is not a pretty sight under any circumstances. The Dublin based Licensed Vintners Association and the country based Licensed Vintners Federation went into overdrive when the Minister published the general scheme of the Intoxicating Liquor Bill 2005 a few weeks ago. Local councillors and Oireachtas Members the length and breadth of the country were heavily and intensively canvassed. The powerful Fianna Fáil publican lobby was out of the traps like a shot. More than half of the Fianna Fáil parliamentary party spontaneously signed a motion condemning the initiative.

None of the questionable actions and statements by the Minister in the course of the past three years, such as the harsh terrorism and immigration laws, the buying of land for a prison at ten times the market value, the closure of five prisons in a three-year madcap industrial relations dispute with prison officers, the call for a level of inequality in the market place that would exploit workers, his outspoken desire to turn back "bogus" asylum seekers at ports to avoid due process and international obligations to immigrants — elicited a squeak from Fianna Fáil backbenches. However, they squeaked and hollered when a core Fianna Fáil value and a raw Fianna Fáil nerve was tweaked.

The chant from the Fianna Fáil backbenches was that the Minister should keep his hands off their pubs and publicans. The core Fianna Fáil value was to retain the *status quo*, the cosy cartel of a limited number of licences in expanding urban areas, to restrict competition and maintain high drink prices to the detriment of citizens. The Minister announced tonight that the cost of a licence has gone up to €170,000. Ironically, this Fianna Fáil approach conflicted with the Minister's and the Progressive Democrats core value, which is for deregulation, unrestricted competition and free-for-all in the marketplace. Two great ideological beasts squared up to each other in mortal combat. I am afraid the Minister lost the battle.

The gloss the Minister put on the show-down on last night's "Questions and Answers" where he did not acknowledge there was a show-down, represents one of the great works of fiction, revisionism and U-turns I have ever experienced from a Member of this House. I remember the day three years ago when the Minister climbed the pole in the 2002 election and declared "One-Party Government — No Thanks" and pleaded to a gullible electorate to allow the Progressive Democrats to ride shotgun on Fianna Fáil. That is a very dim memory.

Mr. J. O'Keeffe: God help us, there is no ammunition in the shotgun now.

Mr. Costello: Is it not time to recognise after succumbing to Fianna Fáil over the second ter-

minal at Dublin Airport and most recently on the café bars issue that the Progressive Democrats are now lame duck coalition cheerleaders, no longer watchdogs as they purport to be to the public? No matter what way the Minister tries to portray his new proposals for the liberalisation of restaurant alcohol licences, the simple fact remains that the abandonment of his plans for café bars is a total climb down in the face of opposition from the Government backbenchers.

I take issue with the Minister who stated that the café bar proposal came from the report of the Commission on Liquor Licensing. By his account, he got Cabinet approval for that report and then entered into a consultation period. The proposal for café bars did not receive support — or so the Minister stated — and he reverted to his original and preferred proposal, the lifting of restrictions on restaurants.

Mr. J. O'Keeffe: Produced from the conjuror's hat.

Mr. Costello: The trouble with this version of history is that it is demonstrably false. Outside of Dáil Éireann one could call it a lie. Inside the House, one is restricted to describing it as a wilful misrepresentation of the facts, promoted in order to conceal the truth and save face. The proposals of the Commission on Liquor Licensing in regard to café bars were designed simply to allow for new small pubs. It said that: "The current requirement to extinguish an existing on-licence should not apply where the premises for which the licence is sought does not exceed a maximum total floor area of 130 sq. m." Launching the report, the Minister stated:

I very much welcome the commission's proposal for the creation of a new 'small premises' licence for new entrants to the licensed trade. Applicants for such a licence would no longer be required to 'extinguish' an existing licence [the Minister is now presenting this to us as a new idea] but rather to pay an appropriate fee to be determined by the Minister. The commission believes that smaller premises which are owner occupied and managed will provide an atmosphere and ambience that encourages moderate social consumption of alcohol rather than the excessive consumption and binge drinking that has become so common in recent years. This accords with my own long-held view that while existing quantitative restrictions have served to control the number of premises, they have contributed to the development of very large drinking establishments which create noise and nuisance for local residents and make compliance with and enforcement of the licensing laws much more difficult.

At no stage in its consideration of the need to facilitate the growth of smaller premises did the commission refer to food. There is one passing reference in its report to the fact that "a person can drink a cup of coffee in such premises along-

side other people who are taking alcohol". Nor did the Minister in his response refer to a mix of food and drink as being definitive of the café bar. It was simply an exotic name for a new, small pub to be contrasted with the superpub.

The report also states:

While the Commission accepts that 'superpubs' are generally well managed, and cater for an important segment of the market, they also create noise and nuisance for local residents and make compliance with, as well as enforcement of, the law more difficult for licensees and the Gardaí respectively. Moreover, when large numbers emerge from these premises at closing there is inevitably an increased risk of public disorder.

. . . The Commission, however, feels it incumbent upon it to endeavour to lay down some methods whereby that situation can be improved.

The commission made a specific recommendation, No. 42, that the definition of "bar" should reflect a clear distinction between the services provided at bars and restaurants. However, the Minister now proposes to eliminate that distinction and to combine the two on small premises, while attributing the concept to the commission. The Minister will have to read the report again.

In his address the Minister stated:

As regards the creation of a café bar licence, this was a key recommendation in the Final Report of the Commission on Liquor Licensing. That commission ... concluded that the historically restrictive nature of the licensing laws had resulted in the development of superpubs which, while generally well managed and catering for an important segment of the market, tended to create noise and nuisance for local residents and made compliance with and enforcement of the licensing laws more difficult for licensees and the Garda alike.

The reality is that the proposal is the Minister's and not the commission's, as he claims. At no stage did the commission recommend that small premises, as a condition of their licence, be required to provide food as well as alcoholic and non-alcoholic drink. The idea was the Minister's and was promoted by him alone. Having an unfettered, free-for-all environment in which the market rules represents a core value of the Minister and his party, the Progressive Democrats. This idea bites the dust in an abject and embarrassing surrender to 42 Fianna Fáil backbenchers.

Mr. O'Shea: Tá áthas orm labhairt ar an díospóireacht tábhachtach seo ar an moladh a bhí ag an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí ceadúnas a chur ar fáil chun "café bars" a oscailt. Tá sé sin curtha ar leataobh agus is é atá i gceist anois go mbeidh cead ag bialann gach aon sórt alcól a dhíol agus nach mbeidh aon teorann ar líon na mbialann. Molaim Fine

Gael as ucht an rúin seo a chur os comhair na Dála agus tugaim mo lán-thacaíocht dó.

There is a danger in this debate on the proposed café bars that in the Minister's manoeuvrings we will effectively lose sight of the real problems surrounding alcohol abuse and its health-related and social consequences. When Deputy Costello published the Labour Party policy document, Alcohol Use and Abuse: New Culture of Responsibility, in May 2003, he gave some background to alcohol use and abuse in Ireland. He stated Ireland had, in 20 years, moved from being a nation of moderate drinkers to being one of the main consumers of alcohol in Europe. There has been a 49% *per capita* increase in consumption in ten years. Alcohol consumption per adult in Ireland was 56% higher than the EU average.

What was most alarming in the Labour Party document was the description of the patterns of drinking among the young. The changes in this category were even more dramatic than those in other categories. Some 50% of Irish children under 12 were found to have experimented with alcohol and two thirds of 15-year-olds and 16-year-olds were current drinkers. Half of 15-year-olds and 16-year-olds engaged in binge or crash drinking.

A survey by the Department of Health and Children from April 2003 found that one in every four young people between ten and 16 had been drinking alcohol in the previous month. The fallout in regard to alcohol abuse by young and old was extremely depressing. The estimated cost to the Exchequer of alcohol abuse last year was €2.5 billion. Some 40% of traffic deaths and 30% of roadside deaths were found to result from drink driving. A 370% increase in the numbers of teenagers intoxicated in public places was recorded between 1996 and 2002. This is the real problem.

The Private Members' motion first deals with concerns regarding the plans by the Minister for Justice, Equality and Law Reform to increase the number of outlets selling alcohol by providing licences for the opening of café bars. My colleague, Deputy Costello, has just dealt with this in some depth. The genesis of this proposal is interesting. The proposal of the Commission on Liquor Licensing regarding café bars was designed simply to allow for new, small pubs. This was very much welcomed by the Minister as a proposal for the creation of new small premises licences for new entrants to the licensed trade. The Minister stated applicants for such a licence would no longer be required to extinguish an existing licence but, rather, to pay an appropriate fee determined by the Minister. I recall the figure of €5,000 per licence. At no stage did the commission refer to the need to serve food in these smaller outlets. This was the Minister's proposal. Some 55% of public houses already supply food of some sort. This gives rise to the question as to what scientific evidence exists to suggest café bars would in any way influence the level of alcohol consumption in any real or significant way.

[Mr. O'Shea.]

Discussing the proposal on café bars is pretty redundant at this stage. The Minister contends that by taking the route he is now taking, that is, fully licensing restaurants, he is being more radical and comprehensive. He also described it as his preferred route. He has in the past described the need for the Progressive Democrats to be radical to escape becoming redundant. His Progressive Democrats-inspired café bar proposal is well and truly redundant and the party is convincing nobody that its proposal to license fully restaurants is radical. The president of the Progressive Democrats needs to assess how the party stands.

There are problems with the price of drink that need to be addressed but an ideologically inspired and poorly thought-out one-size-fits-all regulation will not bring about real competition. There are very wealthy publicans but there are many others who work hard to make a decent living. There are already regulations in place that need to be implemented fully. The local public house is an important part of the social structure in both urban and rural areas. A distinction must be made between large pubs whose only real motive is to sell as much drink as possible and local pubs which, in many cases, have a very important and worthwhile role.

There needs to be better control over the off-licence trade. The Minister has referred to this. I recall meeting a rehabilitated drug addict who spoke of alcohol being her drug of entry. When I asked her when she started drinking she said, "At 12 years of age". I asked her how she had access to alcohol. It seems that various children went around to each other's house and took some of the drink that was available on the basis that the parents might not notice. She also said that with the "bush drinking", in lonely places, it was always possible to find someone over 18 to purchase drink for them, so that they could drink at that early age. That is a problem which needs to be rooted out.

Debate adjourned.

Adjournment Debate.

MRSA Incidence.

Mr. McGuinness: I raise the issue of MRSA in our hospitals and the reaction of the Health Service Executive to that problem. Some weeks ago in Kilkenny, a public meeting was attended by over 150 people, representing individuals and their families who have been affected by MRSA, the hospital superbug. The group was representative of the whole country. People travelled from Galway, Dublin, Cork and Ennis. Deputy James Breen attended and I chaired the meeting.

I was horrified by the cases recounted at the meeting. One of the issues complained of by most

people was that MRSA is not even spoken about in the hospitals. In one case where a lady who had MRSA asked for her file under the Freedom of Information Act, an official stood with her as she looked through it. She noted that the nurse had put a note on the file to the effect that this lady had MRSA and was not to be told.

A wall of silence exists with the Health Service Executive on this issue. I ask the Minister for Health and Children to do what she can to expose this problem, to advise all the frontline operatives and the patients about it, and to ensure that support is given to those who have MRSA and are being cared for at home. One of the unusual requests from those who attended the meeting was that if a person died from MRSA, this should be put on the death certificate. I find all of that quite disturbing.

There were also people there who represented companies which have advised the Health Service Executive of this problem and are selling product into the system that needs to be improved. They say a better alcohol-based hand wash is where one should start. A public awareness campaign needs to be undertaken to advise all patients, or of those visiting hospitals, of the problem. We need to put money into the system, so that various handwash points can be provided in wards and isolation units made available. In particular, elderly people who are patients within the hospital system should be advised and cared for in isolation units.

I was horrified when, at a recent Committee of Public Accounts meeting, the Secretary General and officials of the Department of Health and Children could not answer questions when challenged about this issue. The representatives from the Health Service Executive refused, or could not give the information, for which they were asked. The Minister answered a parliamentary question on 1 March this year by saying that full and comprehensive information would be issued by the Health Service Executive. To this date that question has not been answered. Is that any way to treat a Member of this Parliament who was asking about MRSA on behalf of a concerned public? A recent report has shown that MRSA is a serious problem in Ireland. It stated that this is one of the countries which has a problem within its hospitals. All I ask is that the Minister should engage with those who have contracted MRSA in hospital and outline how exactly she intends to deal with the problem.

I spoke to a young woman last week whose uncle had been discharged from Waterford hospital and told that he did not have MRSA. When he turned up to the nursing home he was told he had MRSA and would not be admitted as it was now active in his heel. He went back to Waterford hospital and was not admitted there. He was held for four hours in the waiting room while someone came to deal with him. When I spoke to the young woman who was trying to care for her uncle, she was in tears over problems involved in trying to have him admitted and the

difficulties in dealing with the situation. That is entirely unsatisfactory. The national organisation which represents those people wants the Minister to meet with them, outline a campaign of action and state where the appropriate funding is going. I am told there is funding within the system to deal with this problem. They also want to see a plan within the hospitals for caring for patients who have MRSA.

I ask, too, that the Department respond to the complaints being made by the professionals within the system. They flagged this problem for the Department 12 months ago and to date have not received any response to what they regard as a crisis. These are the people on the frontline of our health services. I urge the Minister to take this seriously, to deal with the families concerned and make an immediate public response to the issue of MRSA.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank Deputy McGuinness for raising this matter and I am happy to have the opportunity to respond.

The strategy for the control of antimicrobial resistance in Ireland, SARI — including MRSA — was launched by the Department of Health and Children in June 2001. Since then, approximately €230 million in funding has been made available under the strategy. This SARI funding is in addition to normal hospital funding arrangements for infection control.

In 1995 a committee convened by the Department, comprising consultant microbiologists, specialists in public health medicine, general practitioners and infection control nurses produced guidelines for the management of MRSA in acute hospitals. These guidelines have been widely circulated and include an information leaflet for patients.

The infection control sub-committee of the national SARI committee recently prepared revised guidelines in relation to the control of MRSA in Irish hospitals and community health care settings. Their key recommendations cover such areas as environmental cleanliness, bed occupancy levels, isolation facilities, hand hygiene, appropriate antibiotic use and protocols for the screening and detection of MRSA. These draft guidelines are based on the best evidence available internationally. The guidelines are being considered by the Health Service executive at present and when cleared by the HSE will replace the guidelines issued in 1995.

The Deputy will be aware that responsibility for operational issues in relation to the services provided by acute hospitals now rests with the Health Service Executive. The prevention and control of hospital acquired infections, HAIs, is a priority issue for the HSE. Effective infection control measures, including environmental cleanliness and hand hygiene, are central to the control of HAIs, including drug-resistant organisms such as MRSA. The SARI infection control sub-committee released national guidelines for

hand hygiene in health care settings during 2004. These guidelines have been widely circulated by the Health Protection Surveillance Centre and are available on its website.

Improving the standards of cleanliness in hospitals is a priority. One of the specific actions identified by the Minister for Health and Children in the ten point plan to improve the delivery of accident and emergency services refers to the need to address this particular issue.

My Department understands that the director of the National Hospitals Office will have a hygiene audit of hospitals carried out this summer by external consultants. The results of the audit are expected to inform the national standards for infection control and cleaning. The HSE is responsible for the follow-through on the ground of pragmatic and concrete efforts to deal with this challenge and to ensure that patients receive appropriate levels of protection. Standards of hygiene must be upheld and the Minister is committed to ensuring this.

Child Care Services.

Ms B. Moynihan-Cronin: I thank the Leas-Cheann Comhairle for the opportunity to raise this important issue, namely, the need for capital funding under the equal opportunities childcare programme for child care centres in Ventry, Lispolle and Ballyferriter in the Dingle area of County Kerry.

In 2002, the Kerry county child care committee strategic plan 2002 to 2006, which secured approval from the Department of Justice, Equality and Law Reform, identified west Kerry as an area in need of substantial development of its child care services. The three areas seeking funding are Lispolle, Ventry and Ballyferriter and the child care committees of the three villages have come together under the umbrella of Coiste Curama Leanaí Chorca Dhuibhne to co-ordinate their campaign for funding. On 16 December last the Department refused funding to Coiste Forbharta Fionn Trá in Ventry, a significant blow to the local community following a major fundraising drive locally.

The locality has a crying need for a child care centre. The existing pre-school facility, which has been in place since 1979, is in a community hall which is neither suitable nor appropriate for such a facility. Coiste Forbharta Fionn Tra has appealed the decision to the Department and I implore the Minister to award it funding.

Lispolle and Ballyferriter child care committees await decisions on their applications, which were submitted to the Department in December 2003. Both communities went to great lengths to acquire sites for the construction of child care centres. For 18 months, however, ADM Ltd., which administers the funding, has led them from pillar to post with their applications and there is growing concern that the available sites may be in jeopardy if a positive outcome does not emerge from the Department soon.

[Ms B. Moynihan-Cronin.]

At present, the facilities in Ballyferriter, a pre-school centre which caters for only 16 children, are wholly inadequate in an area of expanding population. In Lispole, the pre-school centre is located in a community hall which is subject to regular flooding.

Between Ventry, Ballyferriter and Lispole the Coiste Curama Lianaf Chorca Dhuine intended to provide 155 child care places in their communities. The three child care committees in west Kerry, with which I met recently, believe they are being treated unfairly and strung along with questions and queries from the Department. The groups have received letters from ADM Ltd. questioning aspects of their application and asking them to submit and resubmit and fill and refill forms. Then, faceless people in the Department who have never seen the position on the ground adjudicate on their applications. They are concerned that, given that the information the Department and ADM Ltd. sought has already been provided, the Department is engaged in a time wasting exercise.

The three groups in question estimate it requires up to 1,000 volunteer man-hours to prepare an application for funding for child care facilities and do not believe this effort has been recognised or rewarded. Is the reason for the strict more unfair criteria the Department applied to the administration of funding under the equal opportunities childcare programme due to a decline in the amount of money available under the programme? Groups such as those in west Kerry, which found it difficult to acquire sites when the EOCP funding first became available and was plentiful are suffering now that the pot of money is drying up.

Will the Minister give an assurance that funding will be made available to the child care groups in west Kerry that have done all that was asked of them? If the Government is committed to the provision of child care services, their applications for funding should be approved.

As I have stated in the House on previous occasions when discussing staffing grants the Government attempted to remove from child care centres as of this September, the State must play a role in funding the provision of adequate and appropriate child care services. We cannot in future rely solely on capital funding from the European Union. I appeal to the Minister to fund three vital child care centres in Lispole, Ballyferriter and Ventry. The amount of money involved is relatively small and no less than the communities, parents and children of the area deserve.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I thank the Deputy for affording me the opportunity to update the House on the important issue of child care. I reject the suggestion that I attempted to withdraw funding from any groups.

Ms B. Moynihan-Cronin: I did not suggest the Minister withdrew it.

Mr. McDowell: The Deputy said I attempted to withdraw it.

Ms B. Moynihan-Cronin: I did not.

Mr. McDowell: She should check the record.

Ms B. Moynihan-Cronin: The Minister attempted to withdraw staffing grants.

Mr. McDowell: The Deputy just said it again.

Ms B. Moynihan-Cronin: He withdrew funding for staffing and then changed his mind. He did another U-turn under pressure.

Mr. McDowell: That is not so. The equal opportunities childcare programme is the Government's key response to the need to develop child care to support the child care needs of parents, with a particular emphasis on those who may be in employment or education or training to prepare for employment. The programme aims to increase the supply of centre based child care places by 55% at its conclusion.

Since the equal opportunities childcare programme was launched in 2000, the funding package has been increased on a number of occasions to match increased demands to develop this important sector. The Government is aware of the importance of providing child care to support the economy and social inclusion through labour market participation. It has made additional capital funding available immediately to build on the momentum generated by the programme in community groups throughout the country, rather than await a follow on programme under a new national development plan.

The original funding package of €318 million allocated for the seven year programme in 2000 has increased to slightly more than €499 million and includes increased provision for capital developments for which €205 million has been allocated. This figure includes part of the additional capital provision of €90 million made available by the Minister for Finance, Deputy Cowen, in budget 2005 over the period 2005-09 to develop child care infrastructure. Far from decreasing the amount of funding available, it has been increased as late as the most recent budget.

Since budget 2005, I have announced a record allocation of some €67 million in capital funding for community based not for profit groups in two tranches, one in December 2004 and another on 4 March 2005, bringing the total amount committed under the programme to date to more than €395 million. This funding will lead to the creation of more than 36,000 new child care places, of which 24,600 have already been completed.

I am aware that capital grant applications for funding under the Equal Opportunities Childcare Programme 2000-06 are with my Department from groups in County Kerry, including Aonad

Óige an Fhírtéaraigh, Ballyferriter, Comhlacht Óige Lispóil Teoranta and Coiste Forbharta Fionn Trá from Ventry. The availability of the additional capital funding allocated in budget 2005 will enable me to make further capital grant assistance available to groups that address significant child care service gaps, where the project proposal represents good value for money. In light of this, Aonad Óige an Fhírtéaraigh and Comhlacht Óige Lispóil Teoranta were advised in December 2004 that, while their projects had not been prioritised for immediate funding, they will be reconsidered in future.

I hope to make further capital commitments in 2005 and, thereafter, to child care projects which link clearly with the aims of the programme, are sustainable, offer value for money and can clearly demonstrate that they would fill a clear service gap in their local area.

In December 2004 the programme appraisal committee appraised an application for capital grant assistance from Coiste Forbharta Fionn Trá Teoranta in Ventry. The appraisal process raised concerns about the range of services being offered by the proposed service and its long-term sustainability. As a result, it was not recommended for capital grant assistance. The group has recently appealed this decision. Following receipt of an appeal in the child care directorate of my Department, Area Development Management Ltd., which is engaged to assess all applications for funding on my behalf, is requested to re-assess the application in light of any additional information which may be supplied by the group in support of its application. When this reassessment is complete, the application will then be considered further by the programme appraisal committee chaired by my Department. The group will be informed of the outcome in due course.

Efforts are being made to achieve a good geographical spread through the appraisal and approvals process. Almost € 17.4 million has been approved for County Kerry under the child care programme, with 52 capital grants approved to establish either new or quality enhanced community-based not-for-profit or private child care facilities. The county has also benefited from 47 staffing grants to groups which have a focus on disadvantage. This funding to child care providers in Kerry is leading to the creation of over 1,700 new child care places and to the support of over 1,000 existing places. Kerry County Childcare Committee also receives annual funding to support its developmental work. The levels of support going to County Kerry under the equal opportunities child care programme compare very positively with other counties in the southern and eastern regions.

Ms B. Moynihan-Cronin: There is nothing in west Kerry.

Mr. McDowell: When the assessments on the outstanding projects in Kerry are completed, the applications will be considered by the programme

appraisal committee, chaired by my Department, before I make a decision on each case.

In addition, the Deputy may be aware that I have recently approved the continuation to the end of December 2007 of staffing grant assistance for all groups whose first three year funding has elapsed unless the level of service being offered has declined significantly below that which they had originally undertaken to deliver. The extension of the duration of funding follows a review of the services in question and is conditional on the services continuing to meet the objectives of the equal opportunities child care programme and the conditions set down within their contracts with ADM.

It is fair to emphasise that the equal opportunities child care programme has been central to the development of child care in Ireland. I hope that Deputy Moynihan-Cronin will acknowledge the progress made to date in Kerry and will be reassured that all possible steps are being taken to further develop the child care service throughout the county to meet local need.

Special Educational Needs.

Mr. S. Ryan: I thank the Ceann Comhairle for the opportunity to raise this important issue for three children who live in my constituency. I draw to the attention of the Minister of State my serious concerns about the treatment of these three young children, aged between four and six years, by both the Department of Education and Science and the Department of Health and Children. These children have been attending the speech and language therapy department in Swords for the past two years and during that time they have made progress. Unfortunately, however, they have been diagnosed with a significant speech and language disorder and require further assistance.

Their parents were elated when informed by the speech and language therapy section of the Health Service Executive that the special education and speech therapy needs of their children could be catered for in St. Marnock's national school in Portmarnock. The special needs language class provided in St. Marnock's is limited to seven children who have significant speech or language difficulties. This class is held in a mainstream primary school where the children follow the national curriculum. The pupils are also seen by a speech and language therapist on an intensive daily basis. They remain in this class for one to two years and, following this, return to the local primary school.

This language class caters for what is known in health board terms as "area 8", which has a population of 250,000 people. From this population, the Health Service Executive identified five children who require a place in the school. The parents of these five children were dismayed when notified last weekend that only two of the five children were offered places in St. Marnock's and one of the seven places on offer went to a referral from a private therapist.

[Mr. S. Ryan.]

This decision has left three children without a service which was deemed necessary by the Government's own Department to meet their needs and prepare them for the future. Clinical psychologists have confirmed that without this specialist input, they may become quickly frustrated at school and, as a result, display behaviour management difficulties. This behaviour may have long-term implications resulting in serious psychological problems at a later stage. This can be avoided if the necessary resources are put in place now. The window of opportunity to learn language and address this problem is between four and six years of age. Time is rapidly running out for these children. They are desperately disappointed at not being offered places in St. Marnock's and are in despair, having been informed that there is no alternative service available to them.

It would be an indictment of our health and education systems if the Minister of State is unable to provide the necessary resources in September 2005 for three children with special needs out of a population of 250,000. Schools will close shortly for the summer break and positive decisions are urgently required.

I have been informed that earlier today the principal of St. Marnock's national school met the parents and told them that a classroom is available in the school for September. It is now up to the Minister for Education and Science to ensure the additional resources, including an additional teacher and speech therapist, are made available. Nothing less will be acceptable to me or the parents of the children, who are understandably very angry at how their children have been treated.

In the past we have had positive responses from the Minister of State on various issues. This goes to the heart and soul of three children who are looking for the education and health systems that will prepare them for their journey in life. It is up to the Government in these good economic times to provide them for the children. Anything else is unacceptable.

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I am pleased to have been given the opportunity to clarify the position of the Department of Education and Science on the matter referred to by the Deputy.

St. Marnock's national school in Portmarnock currently has the services of one principal, nine mainstream teachers, one learning support teacher, one resource teacher and one special class teacher. The enrolment of the school stands at 262. Special classes for children with specific speech and language disorders are established where a need has been identified and supported by up-to-date psychological and speech therapy reports in respect of the children in question. Each class caters for a maximum of seven children and each class requires the services of a

speech therapist. The speech therapy service is provided by the Health Service Executive. The school currently has a special class for speech and language disorder. There will be seven pupils enrolled in the class in September 2005 and, therefore, there is no available spare capacity in this class for additional pupils.

I can confirm that correspondence has been received in the Department of Education and Science from the parents of three children with speech and language disorders requesting that an additional class for specific speech and language disorder be established.

The Deputy may be aware that the National Council for Special Education, which became operational on 1 January 2005, processes applications for special educational needs supports, including requests for the establishment of special classes. The council has a key role in the development and delivery of services for persons with special educational needs, including children with speech and language disorders. The council has a local area presence through a network of 71 special educational needs organisers.

I understand from the Department of Education and Science that the council has not received any application for the establishment of an additional class for speech and language disorder from St. Marnock's national school to date.

However, following from the correspondence received from parents, the Department will make contact with the school with a view to ensuring that these children's needs can be met in St. Marnock's, if possible, or in other suitable premises.

I hope this clarifies the position for the Deputy and I thank him again for the opportunity to give an update on the current position in regard to the need for a special needs class at St. Marnock's national school. The school had not sent the application to the proper section. I accept it is a new process that only came into place this year.

Mr. S. Ryan: The school was not aware of it.

Mr. N. Ahern: Those people who are part of the system should have been aware of it. I hope matters will be put right.

Hazardous Substances.

Mr. Morgan: I welcome the opportunity to raise this issue with the Minister. Several issues regarding the presence of previously unidentified quantities of asbestos at domestic dwellings have been brought to my attention in recent weeks. Asbestos poses serious health risks. There is an onus on the Minister of State to ensure that all possible measures are taken to protect the people of the State from the health risks connected with exposure to asbestos. I am concerned the instances are indicative of a wider problem in respect of the presence of asbestos and a decline in public awareness of its dangers

South Dublin County Council's Sinn Féin councillor, Cathal King, recently raised with the

county manager the issue of asbestos sheeting used as the main material in the roofs of all out-houses built between the late 1970s and mid 1980s by Dublin Corporation and County Council. These houses are now in South Dublin County Council's administrative area. He asked the manager a series of questions regarding the presence of this asbestos, the health risk which it posed, the procedures in place for tenants to have the asbestos sheeting removed and whether the council was prepared to replace the asbestos sheeting for tenants.

The manager confirmed that asbestos carrying material was used in a large proportion of roofs of fuel sheds in former Dublin Corporation Housing stock but claimed it poses little risk. He also claimed the material poses minimal risk to the tenants or workers. The manager continued in his reply that it is advisable not to remove the material. He stated:

However, under the refurbishment programme, the roof covering is being removed by South Dublin County Council staff, where the integrity of the roof is found to be breached, i.e. in poor condition due to leaks. All removal is being carried out in accordance with best practice and current health and safety regulations. Training is in place for all county council operatives involved in this work.

This is not an adequate reply because there is a real risk that some homeowners will interfere with the asbestos sheeting while involved in DIY work on their property, a summer activity for most householders. Some may independently undertake work to dismantle these sheds and become exposed to the asbestos material. An information leaflet from ENFO warns that disturbance of such materials by non-specialists could cause risks to health. Given that this material has to be dealt with at some stage and has a limited lifespan, will the Minister of State agree that it is best to put in place a programme for the removal of all such asbestos material? Has the Minister of State given consideration to introducing a scheme of assistance for householders removing asbestos from their homes? Will the Minister of State instruct all councils to make householders aware where asbestos sheeting is contained in the roofs of sheds of former local authority dwellings?

Another similar case was brought to my attention by Fingal County Council's Sinn Féin councillor, Felix Gallagher. He was approached by a constituent who, while carrying out some work in his house, discovered asbestos panelling in the ESB circuit board box. When Councillor Gallagher looked into this issue, he was told that every house in the State built between 1974 and 1982 was fitted with this asbestos cement panelling in the ESB circuit board box. Will the Minister direct the ESB to remove this asbestos panelling? The real problem is that people are not aware there is asbestos in their home or on their property. While the information leaflet entitled

Asbestos in Your Home, available from ENFO, refers to the possibility of asbestos in shed roofs in the section, Where Might Asbestos Be Encountered in Homes, it does not refer to asbestos panelling in ESB circuit board boxes. Will the Minister at least ensure this leaflet is amended to make people aware that asbestos is contained in ESB circuit board boxes?

Mr. N. Ahern: I thank Deputy Morgan for raising this issue. In the past, asbestos-containing materials were used in some roofing materials, as a constituent of some floor tiling and in some fire resistant panels. The extent of usage of asbestos-containing materials in housing construction since the 1970s is not known to my Department. However, the marketing and reuse of asbestos products has been banned since 1 April 2000. While it is a matter for individual authorities responsible for housing maintenance to consider, in particular circumstances, the desirability of removing asbestos-containing materials present in their rented housing stock, it is not considered necessary to instigate a specific programme in this respect. The Department has not been requested by local authorities to do so generally.

In the case of South Dublin County Council, as the county manager outlined to the council some weeks ago, a large percentage of former Dublin Corporation housing stock, now managed by the council, used asbestos-containing material in the roof of fuel sheds. The council employed a company to advise on the health and safety issues arising. This company carried out a risk assessment and advised that the asbestos-containing material used in the construction of these roofs poses little risk. The council has, therefore, concluded there is no requirement from a health or risk perspective to remove the material and it is advisable not to do so.

The council has, however, advised that when they are undertaking improvement works to their rented stock under the refurbishment programme, the roof covering is being removed where the integrity of the roof is found to be breached. All removal is being carried out in line with best practice and current health and safety regulations while training is in place for the operatives involved.

The possible use of asbestos in electricity installations is a matter for the ESB and I have no responsibility in this area. From a general perspective, where risk assessments indicate that asbestos should be removed, the removal and disposal must comply with regulations. An information leaflet entitled, Asbestos in Your Home, is available from ENFO, my Department's public information service on environmental matters. This includes advice on the maintenance of asbestos materials and their removal and disposal. The leaflet advises the public to contact the Health and Safety Authority to obtain information on the handling and use of asbestos.

The Environmental Protection Agency is responsible for the preparation of the national

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hazardous waste management plan with regard to the prevention and minimisation of hazardous waste, the recovery of hazardous waste, the collection and movement of hazardous waste and the disposal of such hazardous waste as cannot be prevented or recovered. Any proposed form of treatment or disposal of asbestos must be consistent with this plan and subject to stringent Environmental Protection Agency licensing requirements. I emphasise that the regulatory framework and the appropriate advice is available to deal with concerns relating to asbestos-containing materials used in construction in the past, including its safe removal and disposal where necessary.

While asbestos is a dangerous product, materials with a small percentage of asbestos are

not dangerous when it is tightly bound into the cement mix. If it is not disturbed and the fibres are not released into the air, it is of no danger.

Mr. Morgan: Will the ENFO leaflet be amended to indicate this is present in ESB circuit board boxes?

Mr. N. Ahern: I am not sure if people will excessively toy with their fuseboards. It is not an asbestos fuseboard but one with a content of asbestos in it. There could only be 0.5% of asbestos in a product. A health and safety consultant employed to examine this matter, recommended there is no need to do anything. When general refurbishment programmes are introduced, these materials will be replaced at that time.

The Dáil adjourned at 9.10 p.m. until 10.30 p.m. on Wednesday, 15 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 25, inclusive, answered orally.

Questions Nos. 26 to 48, inclusive, resubmitted.

Questions Nos. 49 to 57, inclusive, answered orally.

Special Educational Needs.

58. **Mr. G. Murphy** asked the Minister for Education and Science the reason the resource teacher assigned to a school (details supplied) in County Cork is being moved; and if this resource teacher will be allowed to continue working with the children they have been working with in this school. [18937/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, my Department has issued a letter to all primary schools notifying them of their resource teaching allocation under the new general allocation scheme for the 2005-06 school year. The school referred to by the Deputy has been notified that it has a general allocation of 12.5 hours, based on an enrolment of 49 pupils. The letter also included details of the arrangement under which the school will be clustered with another school to enable the creation of a full-time post, rather than just hiring different part-time teachers for both schools.

Clustering facilitates the assignment of experienced teachers as well as allowing for better training of resource teachers on the basis that permanent posts will retain teachers for longer periods. This ultimately benefits the pupils. In this regard, the school in question has been clustered with one other school in the area.

The school was previously in a clustering arrangement with four other schools. As a result of the allocation of additional resources to schools in the cluster it was necessary to revise the clustering arrangements. The revised clustering arrangement means that the school will no longer be clustered with the previous base school. It is a matter for the board of management of the new base school to determine the teacher who will fill the general allocation post to service the revised cluster.

The posts being provided under the new general allocation scheme are designed to ensure that each school has enough resource teaching hours to meet the needs of children with high incidence special needs, such as dyslexia and children with learning support needs. Resource teaching hours for children with low incidence special needs, such as autism, will continue to be provided on

the basis of an individual application for each child.

As regards whether pupils in the school with high incidence special needs and learning support needs will receive support from the resource teacher, it is important to note that this is a decision to be made at school level. Each school will have enough resource teaching hours to provide its pupils with a level of support appropriate to their needs. The school can then use its professional judgement to decide how these hours are divided between different children in the school to ensure that all their needs are met.

Research shows that some children with special needs will respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The point is that the type of response needed depends on the child. While the new scheme will not prevent schools from giving one-to-one time with the resource teacher to children that need it, it is important to note that one-to-one teaching is not the best option for every child. I am grateful to the Minister for Finance for providing me with the resources to ensure that the new system could be put in place.

As of next September, there will be over 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. Indeed, one out of every five primary school teachers is now working specifically with children with special needs.

The Government, and I as Minister for Education and Science, are deeply committed to improving services for children with special needs. In addition to the massive increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

59. **Dr. Twomey** asked the Minister for Education and Science the arrangements for the clustering of schools for special needs support; and if she will make a statement on the matter. [19751/05]

Minister for Education and Science (Ms Hanafin): As the Deputy may be aware, my Department has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of any clustering arrangements that may apply.

One of the objectives of the general allocation model is to maximise the extent of full-time permanent posts available to support the needs of pupils with higher incidence special educational needs, SEN, and learning support teacher requirements. Clustering facilitates the assign-

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ment of experienced teachers as well as allowing for better training of resource teachers on the basis that permanent posts will retain teachers for longer periods. This ultimately benefits the pupils. To this end, schools, particularly those with small enrolments, have been grouped in clusters where possible.

Part-time hours have been provided to schools in cases where it was not possible to form a cluster of general allocation hours. Schools that have been allocated part-time permanent hours may be aware of other local schools with part-time permanent hours that, when combined, could form a full-time permanent post. It is open to any such schools wishing to form a cluster by combining these hours to contact my Department's special education section in writing with details of their proposal. It should be noted that these arrangements apply to staffing associated with the general allocation model only.

Where it is not possible for schools to form permanent posts under the general allocation model, such schools may, for the purposes of creating temporary full-time posts, form clusters to combine permanent part-time hours allocated under the general allocation model with hours allocated for individual children with low incidence disabilities or transitional hours retained for children with high incidence disabilities. Again, any schools wishing to form such temporary full-time posts should contact my Department's special education section in writing with details of their proposal. This arrangement will apply for the 2005-06 school year only and is being facilitated on the understanding that, as pupils with an individual allocation of hours leave the school at the end of that school year, the full-time temporary posts will be adjusted to the appropriate reduced level of part-time hours.

My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year. It is also intended that this circular will address issues that have been raised by schools with my Department since the system was notified to schools in mid-May.

School Accommodation.

60. **Mr. Stagg** asked the Minister for Education and Science if she intends to provide funding to provide a premises for a school (details supplied) in County Mayo in view of the fact that this school has to vacate its current accommodation by June 2006; and if she will make a statement on the matter. [19684/05]

Minister for Education and Science (Ms Hanafin): I have already addressed the issue raised here in an earlier question. The school referred to by the Deputy opened in September 1996 with provisional recognition. Having met the criteria for recognition and proven its viability, the school was granted permanent recognition in

2000. Standard practice is that the school authorities are responsible for the securing of interim accommodation which is grant-aided by the Department, pending the securing of permanent recognition. On being granted permanent recognition, a school becomes eligible for capital funding. The rate of progress towards a permanent accommodation solution depends on a number of factors including availability of sites and the Department's budgetary capacity to meet the level of demand.

The school is currently accommodated in pre-fabricated classrooms on a $\frac{3}{4}$ acre site in the town. The rental costs of the site and classroom accommodation is grant-aided by my Department at the rate of 95%. My Department is advised that the lease on the site is due to expire in June 2006.

I want to assure the Deputy that we are acutely aware of the urgent need for an accommodation solution for this school particularly given the limitations on the existing arrangement and my Department is doing its utmost to achieve a satisfactory outcome at the earliest possible date.

To that end, the property management section of the Office of Public Works has been actively engaged in seeking a suitable site for a new school building. Soil sampling is being undertaken to verify the suitability of a particular site. The result of the tests and final assessment of site suitability is expected to be concluded and with my Department in a week or two.

Schools Building Projects.

61. **Mr. Cuffe** asked the Minister for Education and Science the position regarding plans for an extension at a school (details supplied) in Dublin 20. [19761/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. The building project is at an early stage of architectural planning — stage 1-2-3, detail plans-costs. The stage submission for this project has recently been examined by my Department's technical staff. A revised submission has been sought from the school authority to reflect changes to the school building since the original plans were prepared.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

The school in question will also be receiving grant-aid from my Department for security works, including CCTV, under this year's summer works scheme.

Higher Education Sector.

62. **Mr. P. McGrath** asked the Minister for Education and Science the number of OECD report recommendations which have been

implemented at third level to date; and if she will make a statement on the matter. [19742/05]

72. **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. [18996/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 62 and 72 together.

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. The Government has approved the broad reform agenda outlined by the OECD and also the early bringing forward of legislative proposals to transfer responsibility for management of the institutes of technology from my Department to the Higher Education Authority.

The OECD proposed that research and development issues should be looked at across Government within unified structures. The appointment of the chief science adviser to the Government and the establishment of the Cabinet committee on science technology and innovation, which is supported by a high level interdepartmental committee, will help to fulfil this function and ensure that national objectives are pursued and achieved within a joined up strategy.

In April of this year, I outlined a detailed response to the overall OECD recommendations. I announced my intention to create a strategic innovation fund to incentivise reform and modernisation in the sector. I also signalled a number of other priority actions on which work will now be progressed through the Higher Education Authority and on which further proposals will be developed. These include reform of the funding allocation model, review of a number of human resource issues and the development of a model of new programme approval. I have signalled my intention to develop comprehensive new legislation to give effect to those OECD recommendations that will involve legislative change. I have also made it quite clear that the final shape of future policy proposals for the sector will take account of the views of those working in and with it. To this end, I and my Department have been engaging in an extensive consultation process with stakeholders. I convened a colloquium in January with the HEA, CHIU, DIT and the Council of Directors of Institutes of Technology. At the end of May, 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. In identifying priority areas for action and for the development of more detailed proposals, it is my

intention to continue to consider all relevant inputs.

Schools Building Projects.

63. **Ms C. Murphy** asked the Minister for Education and Science if her attention has been drawn to the impending crisis at a school (details supplied) in County Kildare; when a decision will be made on the matter; and the projected time-frame for availability of additional classrooms. [19770/05]

Minister for Education and Science (Ms Hanafin): School building projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need using published criteria. In this regard, an application from the school to which the Deputy refers was received in the planning section of my Department on Thursday last, 9 June 2005, seeking additional accommodation for the 2006-07 school year onwards. There is no indication in the application that the school has any requirement for the coming 2005-06 school year.

The application will be assessed in accordance with the published prioritisation referred to. The project will be assigned a band rating and its progress will be considered in the context of the school buildings and modernisation programme from 2005 onwards. The school authority will be notified when the assessment is completed.

Vetting Procedures.

64. **Mr. Hogan** asked the Minister for Education and Science her plans for the introduction of vetting for all teachers, both full and part-time; and if she will make a statement on the matter. [19689/05]

128. **Mr. Hayes** asked the Minister for Education and Science if vetting will be extended to third level students who require placements with agencies as part of their studies which may give them substantial unsupervised access to children or vulnerable adults; and if she will make a statement on the matter. [19691/05]

147. **Mr. Hogan** asked the Minister for Education and Science when all ancillary school staff will be vetted prior to taking up employment; and if she will make a statement on the matter. [19690/05]

674. **Ms Enright** asked the Minister for Education and Science the timescale for the introduction of vetting in the education sector; if vetting processes will be extended to certain third level students; and if she will make a statement on the matter. [19939/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 64, 128, 147 and 674 together.

The central vetting unit is run by the Garda Síochána and it is therefore the Minister for Justice, Equality and Law Reform who has primary responsibility in this area. The vetting

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unit is responsible for vetting requests in relation to prospective employees of designated agencies who would have substantial unsupervised access to children and vulnerable adults. The designated agencies comprise over 900 organisations. At present in the education sector, vetting is available in respect of requests for clearance from my Department in relation to bus escorts and special needs assistants provided to children with special educational needs, and to staff working in children detention schools.

A cross-governmental working group, established to put forward proposals for reform of vetting by the central vetting unit, recommended in March 2004 the expansion of its services to include all people working with children and vulnerable adults. To this end, the Minister of State with responsibility for children, Deputy Brian Lenihan, has announced a major increase in the resources to be provided to the Garda vetting unit to improve the level of vetting available to employers who employ people to work with children and vulnerable adults. The initiative includes the more than doubling of staff resources for the unit.

Among the working group's recommendations was the proposal that my Department and the Department of Health and Children explore the possibility of developing an employment history register, similar to the PECS system in Northern Ireland. An implementation group has been established by the Minister for Justice, Equality and Law Reform and discussions between my Department and the Department of Health and Children are ongoing in that context. Although considerable preparatory work examining the issues relating to a PECS system has been undertaken by my Department, given that substantial further work needs to be undertaken it is not possible at this time to provide a timetable for the introduction of a PECS system.

The implementation group is also examining issues relating to the introduction of legislation to ensure the maintenance of a national criminal records system within the Garda Síochána, the disclosure of not just 'hard' facts but also 'softer' information, and access to information about — and proof of — criminal convictions for the purposes of litigation. In addition, Part 4 of the Sex Offenders Act 2001 obliges convicted sex offenders, which includes persons convicted abroad as well as in this jurisdiction and before as well as after the commencement of the Act, when seeking or accepting employment or a voluntary position involving unsupervised access to children, to inform their prospective employer of the fact of the conviction. Failure to do so is a criminal offence.

The Teaching Council also has a role here. When it is established, the council will provide the teaching profession, both primary and post-primary, with the means to self-regulate and its functions will include maintaining a register of teachers and if necessary removing the names of

those shown to be unfit to teach, including those unfit to teach by reason of the fact that they pose a threat to children.

School Staffing.

65. **Mr. Timmins** asked the Minister for Education and Science if she has received a submission from the board of management and the parents' association of a school (details supplied) in County Wicklow requesting that the school not lose a teacher for 2005-06; if she will grant this request; and if she will make a statement on the matter. [19775/05]

780. **Ms O'Sullivan** asked the Minister for Education and Science if she will sanction the retention of the current number of teachers for a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [19873/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 65 and 780 together.

I am aware of the submission of the parents' association of the school referred to by the Deputies and of the board of management's appeal in respect of the loss of a mainstream teaching post.

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 is outlined in primary Circular 15/05, which issued to all primary schools recently.

In the current school year the mainstream staffing of the school in question consists of a principal and 17 class teachers. This is based on an enrolment of 494 pupils at 30 September 2003. In addition, the school has two learning support teachers, one special class teacher, three resource teachers, one home school community liaison teacher and one resource teacher for Travellers.

The mainstream staffing of the school for the 2005-06 school year will consist of a principal teacher and 16 class teachers. This is based on an enrolment of 468 pupils at 30 September 2004. The board of management of the school referred to by the Deputy has appealed the loss of a mainstream staffing post for the 2005-06 school year.

To ensure openness and transparency in the system, such appeals are considered by an independent primary staffing appeals board. The board will meet on the 14 June 2005. This school's appeal will be considered at that meeting and the decision of the appeals board will be conveyed to the board of management of the school shortly 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.

Pupil-Teacher Ratio.

66. **Mr. Durkan** asked the Minister for Education and Science her proposals to bring pupil-

teacher ratios into line with previous commitments and in accordance with best practice throughout the EU; and if she will make a statement on the matter. [19773/05]

Minister for Education and Science (Ms Hanafin): Significant improvements have been made in the pupil teacher ratio and in average class size in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil teacher ratio, which includes all the teachers including resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in 2003-04. Over 4,000 additional teachers have been employed in our primary schools since 1997. In allocating teaching posts regard has been had to the commitments of the Government to reduce class size, tackle educational disadvantage and to provide additional resources for pupils with special educational needs. The additional teaching posts created since 1997 have been deployed to address all of these priorities.

The Deputy will be aware that a review of the allocation system of teaching support for pupils with special educational needs was recently completed. Arising from that review a new model has been introduced to replace that which was notified to schools in June 2004. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. The new system will greatly benefit schools and the children in schools that need additional support.

The Deputy will also be aware of the new action plan for educational inclusion, DEIS — Delivering Equality of Opportunity in Schools — which I launched recently. This action plan will result in reduce class sizes in schools serving the most disadvantaged communities to 24:1 at senior level and 20:1 at junior level. In line with Government policy, my Department will continue to provide further reductions in the pupil teacher ratio 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.

Early Childhood Education.

67. **Mr. McEntee** asked the Minister for Education and Science the number of early education places currently available in the State; and if she will make a statement on the matter. [19753/05]

Minister for Education and Science (Ms Hanafin): Early education in Ireland covers the period from birth to six years. Almost all five year olds and half of four year olds attend junior infant and senior infant classes in primary schools. Pro-

vision for children below the age of four is targeted at specific groups.

Outside of junior classes in primary schools, my Department's main role in the area of early childhood education encompasses pre-school provision for children from disadvantaged areas, Traveller children and those with special needs.

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. There are a total of 1,680 places in Early Start centres.

The new action plan for educational inclusion, DEIS — Delivering Equality Of Opportunity In Schools — which I launched on 30 May, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, 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 currently 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, starting in the next school year.

My Department currently funds 48 pre-school classes for Traveller children. In the special needs sector, there are currently 14 pre-school classes for children with autism located throughout the country. In addition to this, ten stand-alone autism facilities that provide an applied behavioural analysis, ABA, model of response to children with autism cater for a number of children of pre-school age. My Department has also sanctioned the establishment of a pre-school for six children with hearing impairment on a pilot basis.

The bulk of pre-school places in the country are financed by the Department of Justice, Equality and Law Reform, which has provided unprecedented levels of funding for child care in recent years. The Department of Health and

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Children also provides grants to child care groups, including to community groups in areas of social and economic disadvantage.

School Accommodation.

68. **Aengus Ó Snodaigh** asked the Minister for Education and Science if her attention has been drawn to the difficulties being experienced by staff and pupils at a school (details supplied) in County Donegal regarding the shortage of space; if her attention has further been drawn to the fact that a child with special needs is being taught in the staff toilets; and if she will report on the number of other schools across the State which have similar arrangements due to gross overcrowding in their schools. [19780/05]

Minister for Education and Science (Ms Hanafin): My Department is considering an extension project at the school to which the Deputy refers in the context of the overall school building and modernisation programme 2005-2009. The project has been assessed and will be prioritised using the published prioritisation criteria. The project will provide a general purposes room and ancillary accommodation.

In 2002, following a specific approach from the school authorities regarding the need to provide facilities for a special needs pupil, the Office of Public Works acting on my Department's behalf discussed two options with the school authorities — one was to provide a prefab or alternatively to convert existing toilet facilities to meet the need identified by the school. The Office of Public Works subsequently reported to my Department that the school authority rejected the option of using the prefabricated accommodation and opted instead to convert an adjoining boys and girls toilet by removing sanitary ware but leaving the original divisional wall in order to provide separate accommodation for the full-time and part-time support teacher. At the time a grant in the amount of €5,385 was sanctioned by my Department to cover the full cost of the conversion project.

In relation to the position of schools generally clearly the rapid expansion in the number of teachers allocated to schools by this Government to respond to children with special needs has placed pressure on existing accommodation, particularly in smaller schools. We have been making significant inroads in dealing with the needs of such schools through the significant expansion of the school building programme in recent years and through measures like the devolved initiatives.

My Department is not aware of any school where a directly comparable conversion of existing building space was carried out by a school.

Literacy Levels.

69. **Ms McManus** asked the Minister for Education and Science the actions she intends to take arising from the report, Literacy and Numeracy

in Disadvantaged Schools, which found that in some schools up to 50% of pupils have literacy problems; and if she will make a statement on the matter. [19665/05]

Minister for Education and Science (Ms Hanafin): In 2004, the inspectorate of my Department carried out a focused evaluation of educational provision in the areas of literacy and numeracy development in 12 primary schools with a high concentration of pupils from disadvantaged backgrounds.

The purposes of the evaluation were to report on the quality of provision for literacy and numeracy development in the selected schools; to identify the issues that impact on literacy development in the selected schools; and to recommend policies and strategies that would contribute to improvement in children's literacy and numeracy achievement.

The analysis and conclusions of the inspectorate's report, Literacy and Numeracy in Disadvantaged Schools, has added significantly to our understanding of the educational contexts of schools in disadvantaged settings. The report identifies challenges for the wider educational community in tackling poor attendance and in addressing low levels of achievement in literacy and numeracy among pupils in disadvantaged areas.

The report has provided school principals, teachers and boards of management with advice on planning for improvement and development and will assist individual schools in reviewing current practice and provision for pupils in literacy and numeracy. The report emphasises the significant role of school principals and of school management in making literacy and numeracy a key priority.

In the context of a special initiative under the Sustaining Progress social partnership agreement, targeted interventions are being implemented in primary schools serving disadvantaged communities aimed at ensuring that pupils with serious literacy difficulties are supported in improving their attainment levels.

DEIS — Delivering Equality of Opportunity in Schools — the new action plan for educational inclusion that I launched in May, will have a significant impact on the quality of educational provision in disadvantaged settings and will directly address many of the issues identified in the inspectorate's report. A key underlying principle of the plan is that of early intervention, including assisting children who are having difficulty learning to read and write at an early stage before the problem becomes entrenched. In implementing the action plan a number of measures will be rolled out, starting in the next school year, to tackle literacy and numeracy problems in primary schools serving disadvantaged communities.

These measures will include a new advisory service at primary level; more access to initiatives such as reading recovery and maths recovery, which enable intensive, individualised teaching to be provided to the lowest attaining pupils at an

early stage, when intervention can be most effective; and a new family literacy project.

The National Educational Welfare Board will also have a key role to play in the successful implementation of the action plan and additional resources have been made available to support the continuing development of the services provided by the board. The budget which has been allocated to the NEWB for 2005 is up by 20% on the 2004 allocation, to nearly €8 million.

Schools Funding.

70. **Ms O'Sullivan** asked the Minister for Education and Science if she has received the report she commissioned into use of monies paid by her Department to Coláiste Mhuire Marino-Marino Institute of Education; if she intends to publish the report; and if she will make a statement on the matter. [19649/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, issues were raised in a number of quarters about the funding provided by my Department to Coláiste Mhuire Marino-Marino Institute of Education for the training of primary teachers.

I announced, on 6 May, that I had asked PricewaterhouseCoopers to “examine the question of the use of monies paid by the Department of Education and Science to Coláiste Mhuire Marino-Marino Institute of Education”. While I indicated that there was nothing to suggest that funding provided by my Department to Coláiste Mhuire Marino-Marino Institute of Education has not been applied solely and properly for its intended purposes, I felt that it was important to secure confirmation that this is indeed the case.

In addition to the provision of funding for training primary teachers at undergraduate and post-graduate levels, PricewaterhouseCoopers has been asked to look at funding provided by the Department of Education and Science to Coláiste Mhuire Marino-Marino Institute of Education for expenditure on items of a capital nature in relation to training primary teachers; in-service national programmes-support services, focusing on curriculum changes and specific topics relating to teaching and learning; and the scrúdú cáilíochta sa Ghaeilge, SCG.

In order to ensure that the examination is as comprehensive as possible, PricewaterhouseCoopers is covering the period from 2001 to date.

My officials are in ongoing contact with PricewaterhouseCoopers and indications have been received that steady progress is being made on the work which is currently at an advanced stage. I understand that the examination will be completed shortly.

When initially establishing the examination, I indicated my intention to make the findings of the report public. This remains my position.

Standardised Testing.

71. **Mr. O'Shea** asked the Minister for Education and Science the position regarding her

consideration of a report from the NCCA recommending that all 450,000 primary school pupils should be tested for literacy and numeracy in first class and fifth class; if she intends to implement this proposal; and if she will make a statement on the matter. [19669/05]

77. **Mr. Gormley** asked the Minister for Education and Science if she intends to introduce a national student report card in line with recommendations from the NCCA. [19764/05]

86. **Mr. O'Dowd** asked the Minister for Education and Science when the system of standardised testing will be introduced at primary level; and if she will make a statement on the matter. [19723/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 71, 77 and 86 together.

As I have said before, I see great potential for a new system of standardised testing to provide valuable information which will help everyone involved in education — parents, teachers and policymakers — to play our part in enabling each child to reach their full potential.

The results of standardised tests will help parents to understand where their child is at compared to the national norm. They will assist teachers in planning their students' learning and enable them to establish which children need extra help and they will inform policy-making at national level by providing invaluable information about attainment levels in our schools. This is especially crucial in relation to evaluating the outcomes of additional investment in disadvantaged schools. It is vital that we can identify the interventions that make a difference for students.

The NCCA advice, which was prepared at my Department's request, recommends that all pupils in primary schools should be tested in literacy and numeracy at the end of first or the beginning of second class and again at the end of fourth or the beginning of fifth class. It recommends that this requirement should be introduced as soon as is feasible, while taking account of the need for professional development for teachers and principals, arranging the necessary administrative structures and the provision of funding for the purchase of tests.

The NCCA's report also proposes that it should develop and pilot a common template for recording assessment information and reporting such information to parents during the coming academic year. The national report card template would facilitate common procedures for recording and reporting on the overall progress of individual students, including their standardised test results, as they advance through the system and particularly at the point of transfer to post-primary school. It should provide data on a pupils' attainment that is easily understood by both parents and teachers alike.

With a view to introducing a national system of standardised testing as soon as feasible, I will be

[Ms Hanafin.] asking the NCCA to commence work shortly on developing a national report card template and to proceed with the development of its guidelines for teachers on assessment policy and practice, as part of the necessary groundwork that must be in place before specific requirements and implementation dates can be set for schools.

Question No. 72 answered with Question No. 62.

School Curriculum.

73. **Mr. Quinn** asked the Minister for Education and Science the steps she is taking to assist schools in catering for the increasingly diverse cultural and ethnic nature of the pupil base, particularly at primary level; if her attention has been drawn to concerns expressed by teachers at the lack of resources available to them to cope with the changing nature of the pupil base; and if she will make a statement on the matter. [19673/05]

Minister for Education and Science (Ms Hanafin): My Department's approach to the increasingly diverse cultural and ethnic nature of the pupil base in our schools is twofold — to promote and facilitate the delivery of an intercultural education for all children and to provide the specific supports needed by children whose first language is not English to help them to succeed at school.

Intercultural education revolves around respecting and celebrating diversity as well as promoting equality and human rights within and outside the whole school community. Last month, I launched Intercultural Education in the Primary School: Guidelines for Schools. This valuable resource was prepared by the National Council for Curriculum and Assessment, NCCA, to support teachers and schools in developing a more inclusive learning environment and in providing students with knowledge and skills they need to participate in a multicultural world. My Department provided €167,000 to ensure that every primary teacher in the country will receive a copy of this document in either English or in Irish. Corresponding guidelines for intercultural education in post-primary schools are currently being prepared and will be available later this year.

In relation to the provision of resources to enable children with low levels of competence in the English language to succeed at school, extra staffing and materials are available to schools to help them meet the needs of such students.

In the current school year, my Department has provided over 600 language support teachers to help pupils who have significant language difficulties, representing an investment of €27 million. Over 400 of these teachers are working in primary schools with approximately 6,000 children. As well as these teaching posts, my Department has provided grant aid to 350 primary schools, each of which has fewer than 14 pupils

in need of assistance with language. Over 2,000 international students are benefiting from this form of support.

Schools granted full language support teacher posts receive additional financial support to enable the purchase of resource materials suitable for use within the language support class or mainstream class.

A further additional resource will be available to teachers shortly in the form of guidelines on teaching students who do not have English as their first language. These are currently at an advanced stage of preparation by the NCCA.

Higher Education Grants.

74. **Ms Lynch** asked the Minister for Education and Science the steps she intends to take to ensure that there is a full breakdown of recipients of third level grants available within a reasonable period, broken down by country and socio-economic background, in order that the fairness of the current grants scheme can be assessed; and if she will make a statement on the matter. [19664/05]

Minister for Education and Science (Ms Hanafin): In my reply to Parliamentary Question Number 55 of 26 April 2005 in relation to the availability of a statistical breakdown of grant-holders by socio-economic background, I referred to the fact that the most recent data on participation rates at third level is that published in the HEA review of higher education participation in 2003, which showed that participation in higher education among the school leaver age cohort has passed the 50% mark for the first time. The study puts the overall transfer rate to higher education at 54% in 2003, as against 44% in 1998, 36% in 1992, 25% in 1986 and 20% in 1980. This data is based on a full census of entrants.

The study also contains findings relating to the socio-economic breakdown of entrants in that year which are based on a sample of new entrants in 2003. It should be noted that previous studies on participation by socio-economic group, the Clancy reports, conducted in relation to 1998, 1992, 1986 and 1982 were based on a census of new entrants in those years. A follow up to previous Clancy studies based on a census of entrants in 2004 is under way and will provide a full picture of progress in relation to higher education participation by socio-economic group since 1998.

While final analysis and comparison with previous Clancy studies, together with any policy conclusions, should await the outcome of the full survey which will be available later this year, the study of 2003 entrants nonetheless provides some interesting pointers. It suggests that participation rates of some of the lower socio-economic groups, particularly skilled manual and semi-skilled and unskilled manual and other non-manual workers, have increased substantially.

In relation to the number of students receiving financial assistance under the student support schemes, the most recent figures show that over 56,000 students benefited under the schemes in

2003-04, of which approximately 11,500 benefited from top up grants as well as the basic maintenance grant. The top-up grant was introduced by this Government to provide greater assistance to the most disadvantage students, and in this regard it should be noted that the maximum amount of grant support available this year is €4,855, including the top-up grant, compared to just €2,032 in 1996-97.

My Department fully recognises the importance of statistics in analysing the effectiveness and fairness of the student grant schemes. In so far as data in relation to the socio-economic backgrounds of grant holders is concerned, limited data has been collected by my Department in the past with specific reference to the higher education grants scheme administered by the local authorities. Following consultations with the Irish Vocational Education Association, new arrangements have recently been introduced to compile a more comprehensive statistical breakdown of grant holders under the schemes administered by the VECs. This complements arrangements in place in respect of the higher education grants scheme. While the majority of awarding bodies have at this stage returned completed forms for 2003-04, officials in my Department are continuing to communicate with those from whom completed forms are still outstanding.

On receipt of completed statistical forms for 2003-04 from all awarding bodies, my Department will be a position to compile and analyse the relevant statistics in respect of socio-economic background and other relevant classifications for that year. Statistical forms in respect of the 2004-05 academic will issue to the awarding bodies shortly.

Looking to the future, at the request of my Department the HEA has been working with the universities and institutes of technology to develop an electronic student record system which is intended to provide more detailed information on students, including their socio-economic backgrounds. I have asked the HEA to examine how this might provide more timely and reliable data on the socio-economic backgrounds of grant-holders as I fully accept that the existing time-lags in the provision of data are not acceptable.

Psychological Service.

75. **Mr. Bruton** asked the Minister for Education and Science the number of children currently awaiting a NEPS assessment; and if she will make a statement on the matter. [19688/05]

Minister for Education and Science (Ms Hanafin): The National Educational Psychological Service, NEPS, does not normally keep waiting lists of children requiring assessment in the sense of lists of names that are dealt with in chronological order. NEPS operates a staged assessment process whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consul-

tation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually.

As the end of the 2004-05 school year approaches, NEPS management is conducting a survey to ascertain how many children have been through the staged assessment process in school but who still need an individual psychological assessment. As soon as the information has been collated, it will be made available to the Deputy. Every effort will be made to ensure that urgent assessment needs will be met as soon as possible.

76. **Mr. Gilmore** asked the Minister for Education and Science if more than 1,000 primary schools have no educational psychologist and 20% of secondary schools are without one; the steps which are being taken to deal with this situation; and if she will make a statement on the matter. [19660/05]

Minister for Education and Science (Ms Hanafin): While it is true that more than 1,000 primary schools and 13% of post-primary schools do not have NEPS psychologists assigned to them, it is important to note that all schools have access to psychological assessments, either directly through the National Educational Psychological Service, NEPS, for those schools currently served by NEPS, or through the scheme for commissioning psychological assessments, SCPA, for those that do not currently have NEPS psychologists assigned to them.

All schools that do not have NEPS psychologists assigned to them may avail of this scheme whereby they can commission assessments from a member of the panel of private psychologists approved by NEPS, and NEPS will pay the fees directly to the psychologists concerned. Details of this scheme, including the conditions that apply to it, are available on my Department's website.

The complement of psychologists in NEPS has increased almost three-fold from 43 psychologists on establishment to 128 psychologists at present.

NEPS also provides assistance to all schools that suffer from critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for reasonable accommodations in certificate examinations.

On behalf of my Department, the Public Appointments Service has recently initiated a new recruitment competition for NEPS. Any increase in the overall numbers of psychologists in NEPS must take account of Government policy on public sector numbers.

Question No. 77 answered with Question No. 71.

School Transport.

78. **Ms O. Mitchell** asked the Minister for Education and Science the number of children carried by school bus transport each day at both primary and secondary level; and if she will make a statement on the matter. [19707/05]

Minister for Education and Science (Ms Hanafin): The number of children availing of school transport services in a school year varies from time to time. However, the average number of children availing of school transport daily is 138,000. This includes approximately 8,000 children with special educational needs.

Vetting Procedures.

79. **Mr. P. Breen** asked the Minister for Education and Science when the legislation to establish a register of persons considered unsafe to work with children will be published; and if she will make a statement on the matter. [19749/05]

Minister for Education and Science (Ms Hanafin): A cross-governmental working group was established to put forward proposals for reform of vetting by the central vetting unit run by the Garda Síochána. Among its recommendations was the proposal that the Departments of Education and Science and Health and Children explore the possibility of developing an employment history register, similar to the PECS system in Northern Ireland. An implementation group has been established by the Minister for Justice, Equality and Law Reform and discussions between my Department and the Department of Health and Children are ongoing in that context. Although considerable preparatory work examining the issues relating to a PECS system has been undertaken by my Department, these discussions are at an early stage. In addition, my Department will be convening meetings with the relevant interested parties to explore the issues involved.

The Teaching Council also has a role here. Once it is formally established, the council will provide the teaching profession, both primary and post-primary, with the means to self-regulate and its functions will include maintaining a register of teachers and if necessary removing the names of those shown to be unfit to teach, including those unfit to teach by reason of the fact that they pose a threat to children.

School Transport.

80. **Mr. Gogarty** asked the Minister for Education and Science if any contact has been made with UK manufacturers of school buses with a view to purchasing new models with seat belts; if so, the current availability and timeframe for delivery of such buses; and if she will make a statement on the matter. [19758/05]

Minister for Education and Science (Ms Hanafin): My Department, at the invitation of a UK manufacturer, recently viewed a demonstrator bus at Bus Éireann's headquarters in

Broadstone, Dublin. The bus was fitted with three seats on one of the aisle and two seats on the other. All seats were fitted with seat belts.

In fact, this is the third demonstrator bus viewed by officials of my Department and Bus Éireann. The other two vehicles, which were not manufactured in the UK, were used on trial runs in April.

The question of acquiring vehicles to replace or supplement the existing school bus fleet is under consideration. However, it should be borne in mind that many of the buses used for school transport are privately owned.

National Adult Literacy Council.

81. **Ms Shortall** asked the Minister for Education and Science if she has received proposals from her Department in regard to role and functions of the National Adult Literacy Council arising from the recent review undertaken; and if she will make a statement on the matter. [19683/05]

Minister for Education and Science (Ms Hanafin): The National Adult Learning Council was formed in March 2002 on an *ad hoc* basis with the intention that it would be established as a statutory body under section 54 of the Education Act 1998. Following the formation of the *ad hoc* council, concerns emerged that the functions envisaged for the council were too wide-ranging and were not sufficiently focused. Additionally, a number of developments had occurred which would impact on the work of the council, including the establishment of the National Qualifications Authority of Ireland and the Further and Higher Education and Training Awards Councils.

My Department undertook a strategic review of the role and functions of the council to address these concerns. I am awaiting proposals from my Department as to the role and functions of the council in the light of the review. I expect to be in a position to take a decision in this matter in the near future.

School Transport.

82. **Mr. Sargent** asked the Minister for Education and Science if she plans to commission a study into the benefits of seat belt use versus compartmentalisation for primary and second level students using school buses. [19767/05]

124. **Mr. Cuffe** asked the Minister for Education and Science if her Department has organised a study into the risks involved with the use of various seat belts on school buses for children of various age groups. [19762/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 82 and 124 together.

Legislation regarding the fitting and wearing of seat belts in public service vehicles including school buses is the responsibility of my colleague, the Minister for Transport.

EU Directive 2003/20 requires seat belts to be used where they are fitted. This directive must be transposed into national law by 9 May 2006.

Separately, proposals to extend the requirement for seat belts in all new vehicles, except for city buses used in stage stop routes, have been developed at EU level. When the directive is adopted, all new school buses being registered from a future date will require to be fitted with seat belts.

The suitability of different restraint mechanisms is under active consideration by my Department in consultation with the Department of Transport and Bus Éireann.

Educational Disadvantage.

83. **Mr. Crowe** asked the Minister for Education and Science her views on whether her Department's new approach to tackling educational disadvantage highlights a substantial policy failure within the Government on the commitment to delivering educational equality, particularly in the context of literacy and numeracy in poorer areas; her plans for a more integrated approach, highlighting timescales and budget allocations; and if she will make a statement on the matter. [19756/05]

Minister for Education and Science (Ms Hanafin): The new action plan for educational inclusion, DEIS — Delivering Equality Of Opportunity In Schools — which I launched recently, aims to ensure that the educational needs of children and young people from disadvantaged communities are prioritised and effectively addressed.

The plan provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build upon a number of existing interventions for schools with a concentrated level of disadvantage. Approximately 600 primary schools, comprising 300 urban-town and 300 rural and 150 second level schools, will be included in the school support programme. 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.

Since 1997, the Government has increased funding on specific measures at primary and second level to tackle educational disadvantage by some 130% — from some €50 million in 1998 to about €120 million in the current year. The additional €40 million annual investment under this action plan on full implementation will represent a 33% increase on current expenditure and a three-fold increase in spending in this area since 1998.

A key underlying principle of DEIS is that of early intervention, including assisting children who are having difficulty learning to read and write at an early stage before the problem

becomes entrenched. In implementing the action plan a number of measures will be rolled out, starting in the next school year, to tackle literacy and numeracy problems in schools serving disadvantaged communities. These measures will include a new advisory service at primary level; more access to initiatives such as reading recovery and maths recovery, which enable intensive, individualised teaching to be provided to the lowest attaining pupils at an early stage, when intervention can be most effective; targeted extension of the successful demonstration library project at second level — 40 more schools will benefit on a phased basis; and a new family literacy project.

Other key measures to be implemented on a phased basis over the next five years include the following: targeted early childhood education provision for 150 school communities; extended availability of home-school-community liaison and school completion programme services; the 150 urban-town primary schools with the highest concentrations of disadvantage will be targeted to benefit from maximum class sizes of 20:1 in junior classes and 24:1 in senior classes; rural primary schools participating in the new school support programme will be targeted to benefit from access to a teacher-co-ordinator serving a cluster of schools. Rural primary schools that cannot be clustered will be provided with financial support as an alternative to teacher-co-ordinator support; measures will be implemented to enhance student attendance, educational progression, retention and attainment; measures will be put in place to support the recruitment and retention of principals and teaching staff in schools serving disadvantaged communities; and professional development for principals, teachers and other personnel in schools participating in the SSP will be enhanced.

Central to the success of the action plan will be an increased emphasis on planning at school and school cluster level, target-setting and measurement of progress and outcomes to ensure that the increased investment is matched by an improvement in educational outcomes for the children and young people concerned.

Schools Building Projects.

84. **Mr. O'Dowd** asked the Minister for Education and Science if a new round of PPP school buildings will be announced; if any changes will be made to the PPP contract based on the experience of PPPs in education to date; and if she will make a statement on the matter. [19724/05]

Minister for Education and Science (Ms Hanafin): My colleague, the Minister for Finance, provided a capital envelope of €555 million in respect of education PPPs for the period 2005 to 2009 and I am examining how this may be best utilised. This examination covers both schools and the third level sector.

A key rationale underpinning the decision to proceed with the initial bundle of five schools was to test the PPP procurement method in the case

[Ms Hanafin.]
of schools to learn from the experience and thereby to inform future usage of a PPP approach to procuring schools.

Based on the experience to date from the use of the PPP process for the National Maritime College and the schools project, a number of issues are under active consideration by my Department and will inform my decision on the allocation of the funds available to me for PPP development. These include the type of PPP model to be used, the level of operation and service to be included in any new programme, how the projects should be bundled so as to provide the most cost effective procurement and the size and geographical spread of the bundles. My Department is also in the process of examining the market interest in the different types of PPP model that are under consideration for a future programme.

As I have previously indicated, in respect of further PPP school building projects, new schools on greenfield sites that have been prioritised using the criteria agreed with the education partners, and published by my Department, fit the PPP model best as distinct from projects that involve modernisation and upgrading of existing buildings.

I intend to announce my plans for a further PPP programme in the near future.

State Examinations.

85. **Mr. M. Higgins** asked the Minister for Education and Science if her attention has been drawn to the decision by the joint managerial body not to release teachers for oral, practical and in-service training from September 2005; the steps she intends to take arising from this decision in view of the possible disruption to exams; and if she will make a statement on the matter. [19661/05]

Minister for Education and Science (Ms Hanafin): I am aware that the joint managerial body has stated that it will advise its member schools not to release teachers for examinations — oral and practical — and in-service training from September 2005. The JMB and the other management bodies have raised the need for new arrangements to be put in place for activities such as the examinations and in-service to ensure that they take place outside of school time because it is considered that current arrangements seriously disrupt schools and create major difficulties for school authorities.

Sustaining Progress, the social partnership agreement 2003-05, which set out the modernisation agenda for teachers, acknowledged that existing in-service delivery arrangements are a cause of disruption in schools which may impact on students. Sustaining Progress also indicated that there was agreement among the education partners that the present in-service delivery is unsatisfactory and that new arrangements need to be developed and agreed. As provided for in the

agreement, discussions are in train with the school management authorities and the teacher unions to address the need for new arrangements and to agree a new model for the delivery of in-service. The issues surrounding the oral and practical examinations are also being explored in the context of these discussions.

As an initial step, however, a number of significant developments have been put in place by my Department which have made progress in diminishing the impact of in-service on school life. Among these developments have been the establishment of a co-ordination committee for national programmes-support services at post-primary level which has developed a nationwide calendar of in-service provision to avoid undue disruption in an individual school. The work of this committee will feed into the biannual second level support service brochure and ongoing school-specific Education Centre calendar, both of which highlight the in-service available for individual schools thus enabling management authorities to ensure that any disruption is minimised.

There would be serious implications for students if there was a refusal to release teachers for exams. The process of Sustaining Progress is designed to ensure that such difficulties can be discussed and avoided by proper engagement by all parties.

Question No. 86 answered with Question No. 71.

Teaching Profession.

87. **Mr. Crawford** asked the Minister for Education and Science the number of males entering the primary teaching profession for the 2003-04 and 2004-05 academic year; and if she will make a statement on the matter. [19747/05]

Minister for Education and Science (Ms Hanafin): According to my Department's records, 180 male teachers were appointed for the first time as permanent or temporary qualified teachers at primary level in the 2003-04 school year; 184 such male teachers were appointed in the current school year, 2004-05.

I am aware of the decreasing number of males entering the teaching profession and I know that the situation is particularly acute at primary level.

I would point out that the relatively low number of males in the teaching force is a feature common to all OECD countries. Indeed, OECD statistics show the situation in Ireland to be close to the OECD average.

It is important to attract more men into teaching for a number of reasons, not least of which is the positive role models that teachers provide in children's lives and the desirability of having both male and female role models in our schools.

A report on attracting more men into primary teaching is currently being compiled by a committee comprised of representatives of the colleges

of education, the Institute of Guidance Counsellors, the INTO and officials of my Department.

The main objective of this committee is to make recommendations on strategies and initiatives to increase the number of males entering primary teaching. It is expected that the committee will make recommendations in respect of both short-term and long-term strategies.

The work of the committee is almost complete and I understand I can expect to receive the committee's report within a few weeks.

State Examinations.

88. **Mr. Rabbitte** asked the Minister for Education and Science if it is intended to proceed with changes to the structure and content of the leaving certificate examination as recommended by the NCCA; if not, her reasons for rejecting the recommendations; if it is intended to publish the report; and if she will make a statement on the matter. [19675/05]

100. **Mr. Crowe** asked the Minister for Education and Science her views on the proposals of the National Council for Curriculum and Assessment for reform of the leaving certificate, particularly in terms of dealing with pressure on students, drop out rates, the maths crisis and tackling educational disadvantage; and if she will make a statement on the matter. [19755/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 88 and 100 together.

It is essential that our education system is positioned to maintain excellence, relevance, quality and inclusiveness in a changing climate. I have just launched DEIS, a focused five-year plan to combat educational disadvantage. It is important that the implementation of senior cycle reform would complement and further this work.

The NCCA proposals are ambitious and far-reaching. Senior cycle reform has the potential to promote greater inclusion and effective participation, to provide greater curriculum balance and choice and to contribute to a more positive learning culture in schools. I recognise that potential exists to improve the senior cycle education experience. It is crucial that reforms will promote cohesion and equity in society and enable students to develop their talents, prepare for adult life, for lifelong learning and employment in the knowledge society. The education system must also continue to play its part in promoting Ireland's competitiveness and growth. These are major considerations of fundamental importance to our future, and our children's future.

It is vital that the implications of the proposals be considered thoroughly and that changes adopted are effective in supporting strategic change which promotes increased relevance, quality and equity in the system. I am having the NCCA's advice fully examined within my Department. I want to ensure that change is carefully managed, well-resourced and that the best elements of the current system, including public

confidence in its integrity, objectivity and quality, are retained. I will engage in further discussions with the council and with stakeholders on the proposals and priorities for the future, with a view to making decisions as soon as possible.

As regards mathematics specifically, the NCCA is currently advancing a review of mathematics in post-primary education at the request of my Department.

Since the NCCA's advice is already publicly available on the NCCA's website at www.ncca.ie. I do not intend publishing it separately.

School Accommodation.

89. **Mr. Ring** asked the Minister for Education and Science the alternative in the event that a site is not purchased and construction of a permanent building for a school (details supplied) in County Mayo does not commence. [19772/05]

137. **Mr. Ring** asked the Minister for Education and Science the position in relation to the site for a school (details supplied) in County Mayo. [19771/05]

682. **Mr. Ring** asked the Minister for Education and Science if a site has been identified for a school (details supplied) in County Mayo; if she will meet a deputation from the school; the date and time that she will meet this deputation; and if parents and pupils will have to march on the street to get a new school. [19007/05]

783. **Mr. Ring** asked the Minister for Education and Science the number of sites which the OPW looked at for a school (details supplied) in County Mayo. [19970/05]

784. **Mr. Ring** asked the Minister for Education and Science when she will make a decision regarding a site for a school (details supplied) in County Mayo. [19971/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 89, 137, 682, 783 and 784 together.

The school referred to by the Deputy opened in September 1996 with provisional recognition. Having met the criteria for recognition and proven its viability, the school was granted permanent recognition in 2000. Standard practice is that the school authorities are responsible for the securing of interim accommodation which is grant-aided by the Department, pending the securing of permanent recognition. On being granted permanent recognition, a school becomes eligible for capital funding. The rate of progress towards a permanent accommodation solution depends on a number of factors including availability of sites and the Department's budgetary capacity to meet the level of demand.

The school is currently accommodated in pre-fabricated classrooms on a $\frac{3}{4}$ acre site in the town. The rental costs of the site and classroom accommodation is grant-aided by my Department at the rate of 95%. My Department is advised that the lease on the site is due to expire in June 2006.

[Ms Hanafin.]

I want the assure the Deputy that we are acutely aware of the urgent need for an accommodation solution for this school particularly given the limitations on the existing arrangement and my Department is doing its utmost to achieve a satisfactory outcome at the earliest possible date.

To that end, the property management section of the Office of Public Works has been actively engaged in seeking a suitable site for a new school building. Soil sampling is being undertaken to verify the suitability of a particular site. The result of the tests and final assessment of site suitability is expected to be concluded and with my Department in a week or two.

As the board and patron are already aware, the provision of interim accommodation remains the responsibility of the board until such time as my Department is in a position to provide a permanent solution. However, I am sure that all partners will work together to secure alternative interim accommodation should that be required pending the provision of permanent accommodation.

As the Department is actively engaged in securing the school's future accommodation needs, a meeting would not serve any useful purpose at this time.

Children Act 2001.

90. **Mr. Rabbitte** asked the Minister for Education and Science if she will list the sections of the Children Act 2001 for which her Department has responsibility, which are already in operation; if she will list those sections that have yet to be brought into operation; if any timetable has been set for the implementation of the remaining sections; and if she will make a statement on the matter. [19676/05]

Minister for Education and Science (Ms Hanafin): Part 10 of the Children Act 2001 relates to the governance and operation of children detention schools. Section 159(1) of the Act has been commenced for the purpose of allowing three representatives of children detention schools to be appointed to the Special Residential Services Board. However, Part 10 of the Act cannot be commenced more fully at this time as its effect will include replacing the existing industrial and reformatory schools with children detention schools. While boys aged between 17 and 21 who are convicted of a criminal offence may be sent to a place of detention, there is no equivalent place at present for female offenders who may be imprisoned from the age of 17 years.

It is intended that the Department of Justice, Equality and Law Reform will provide a facility for young women similar to that provided for boys. The timing of the commencement of Part 10 of the Act is contingent upon such a facility becoming available. Pending commencement, industrial and reformatory schools continue to be governed by the Children Acts.

Pupil-Teacher Ratio.

91. **Mr. Allen** asked the Minister for Education and Science the number of children at primary level in classes of more than 35; and if she will make a statement on the matter. [19694/05]

149. **Mr. Allen** asked the Minister for Education and Science the number of children at primary level in classes of more than 30; and if she will make a statement on the matter. [19693/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 91 and 149 together.

Completed data are not available for the current school year because a number of outstanding queries on returns from a small number of schools must be resolved before the current primary census is finalised. When the information is available I will forward it to the Deputy.

School Books.

92. **Mr. Sherlock** asked the Minister for Education and Science if she will take action to prevent publishers of school books from reprinting text books with minor textual changes, forcing parents and schools to discard expensive books after a short period of time; and if she will make a statement on the matter. [19681/05]

Minister for Education and Science (Ms Hanafin): Apart from a small number of prescribed texts at second level, mainly in the case of language subjects, school books are not approved or prescribed by my Department at first or second level. Decisions on which books to use are taken at school level.

School authorities have been advised that book selections should be changed only to the extent that is necessary. However, text books have to be changed periodically to enable students' work to be kept educationally stimulating and to ensure that content and methodology are kept up to date.

My Department operates a grant scheme towards the cost of providing school text books for pupils from low-income families in schools at first and second level. For the purposes of these grants, a needy pupil is a pupil from a family where there is genuine hardship because of unemployment, prolonged illness of a parent, large family size with inadequate means, single parenthood, or other family circumstances such as substance abuse, which would indicate a similar degree of financial hardship. Principal teachers administer the book grant schemes in schools in a flexible way under the terms of the schemes based on their knowledge of particular circumstances in individual cases. Many schools operate book rental schemes and second-hand book exchanges.

A total of €3,961,683.89 was paid by my Department in respect of the school books grant scheme in primary schools for the 2004-05 school year. This figure includes €3,272,733.40 in respect of the loan-rental scheme.

The total expenditure in post-primary schools for the 2004-05 school year was €6.359 million, which includes €221,240 in respect of the book rental-loan schemes seed capital.

Early School Leavers.

93. **Mr. McCormack** asked the Minister for Education and Science the number of students who failed to make the transition from primary to secondary education in 2003 and 2004; and if she will make a statement on the matter. [19717/05]

Minister for Education and Science (Ms Hanafin): The specific information requested by the Deputy is not available at present. However, the National Economic and Social Forum report of 2002 on early school leaving cited, as a broad estimate, that around 1,000 children do not transfer from primary to post-primary on an annual basis. There is some doubt attached to this estimated figure of 1,000, which may be an overstatement of the true position at this stage.

The Education Welfare Act 2000 and the establishment of the National Educational Welfare Board provides a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving. To discharge its responsibilities, the board is developing a nationwide service to provide welfare-focused services to children, families and schools. The board currently has an authorised staffing complement of 94.

My Department also operates a number of programmes at both primary and post-primary level to tackle the problem of early school leaving.

The Giving Children an Even Break programme provides additional financial and teaching supports for children in primary schools from disadvantaged backgrounds who are most at risk of educational disadvantage and early school leaving.

A key role in this regard is also played by the home-school-community liaison, HSCL, scheme which helps parents to develop their skills as the primary educators of their children and also addresses issues in the community impinging on learning and educational participation.

The school completion programme directly targets those in danger of dropping out of the education system by targeting individual young people of school going age, both in and out of school, and arranging supports to address inequalities in education access, participation and outcomes.

Both the HSCL scheme and all 82 school completion programme projects operate transfer programmes which are very important in assisting pupils in making the transition from primary to post-primary level.

The new action plan for educational inclusion, DEIS — Delivering Equality Of Opportunity In Schools — which I launched recently, focuses on addressing the educational needs of children and

young people from disadvantaged communities. The plan provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build upon a number of existing interventions for schools with a concentrated level of disadvantage. 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.

A continuing emphasis will be placed on the development of effective transfer programmes by building on the existing work of the HSCL scheme and the school completion programme in this area. An additional guidance counselling provision, being made available for second level schools having the highest concentrations of disadvantage, will also assist in this regard.

School Curriculum.

94. **Mr. P. McGrath** asked the Minister for Education and Science the progress being made on the implementation of the recommendations of the task force on the physical sciences; and if she will make a statement on the matter. [19741/05]

Minister for Education and Science (Ms Hanafin): My Department continues to progress the recommendations of the task force on the physical sciences as resources permit in collaboration and consultation with the Department of Enterprise, Trade and Employment, Forfás and industry.

Significant progress has been made in a range of areas pertaining to my Department. For example: a new science curriculum has been introduced at primary level supported by a resource grant in December 2004 of €1000 per school plus €10 per pupil; revised syllabi in junior certificate science and in leaving certificate physics, chemistry and biology have been introduced. Work on the revision of the two remaining leaving certificate subjects — agricultural science and physics and chemistry combined — is well advanced. The introduction of the revised syllabi has been supported by comprehensive in-service programmes for teachers; additional equipment grants have been provided to schools, and laboratories continue to be refurbished as part of the ongoing schools building programme. In that context, €16 million was issued to schools in 2004 to support the implementation of the revised junior certificate science syllabus; a review of grading of subjects in the leaving certificate and initial reports on teacher training have been undertaken; a review of mathematics at post-primary level is being undertaken by the National Council for Curriculum and Assessment; and investment in the programme of research in third level institutes is continuing apace to enhance and promote world class standards in research, inno-

[Ms Hanafin.]

vation and development. Between this programme and the various grants to the research councils, and other sources, an estimated €101.5 million will be invested in third level institutions in 2005.

The discover science and engineering programme, operated under the aegis of Forfás with the collaboration of the education sector, was launched in October 2003 to bring together existing science awareness activities in a unified strategy. I have recently announced a provision of €750,000 towards the cost of the BA festival of science which is being hosted by Trinity College this year. This is one of the world's leading science events and will be attended by some 3,000 delegates, with an estimated 7,000 to 10,000 people enjoying some part of the programme.

Áiseanna Scoile.

95. D'fhiafraigh **Mr. McGinley** asked the Minister for Education and Science an bhfuil iarratas ina Roinn le haghaidh halla spóirt do Phobalscoil Ghaoth Dobhair, cén staid ag a bhfuil an t-iarratas faoi láthair; agus an ndéanfaidh sí ráiteas ina thaobh. [19242/05]

Minister for Education and Science (Ms Hanafin): An tionscadal maidir leis an Halla um Chorpoideachas sa Phobalscoil Ghaoth Dobhair, rinneadh é a mheas de réir na gcritéar tosaíochta a foilsíodh cheana féin agus a rinneadh a athbhreithniú an bhliain seo caite tar éis dul i gcomhairle leis na Páirtithe Oideachais.

Déanfar an tionscadal a chur san áireamh i gcomhthéacs an Chláir 2005-2009 um Thógáil agus um Nuachóiriú Scoileanna.

Grangegorman Development Authority.

96. **Mr. Noonan** asked the Minister for Education and Science when the Grangegorman Development Authority will begin its work; and if she will make a statement on the matter. [19719/05]

Minister for Education and Science (Ms Hanafin): The Dáil passed all Stages of the Grangegorman Development Agency Bill on 1 June 2005. The Second Stage reading of the Bill is scheduled to commence in the Seanad on 14 June 2005.

The purpose of this Bill is to establish an agency whose function, in the first instance, is to prepare a strategic planning scheme for the Grangegorman site. The plan must provide for the needs of the Dublin Institute of Technology, the Health Service Executive and the Ministers for Education and Science and Health and Children. The Bill provides for wide-ranging consultation with all the parties that may have an involvement in the site. This ranges from those who are directly concerned — local residents, the DIT, the HSE and the Dublin City Council — to those parties whose future involvement may have a bearing on the site reaching its full potential

such as the IDA and Dublin Bus. The Department of Transport will also have a major input because of the public transport requirements of the developed site.

It is my intention, once the necessary legislative framework is in place, to establish the agency as soon as possible thereafter so that it can then commence carrying out the functions given to it in the legislation.

Special Educational Needs.

97. **Ms McManus** asked the Minister for Education and Science if she will address the serious concerns regarding the impact the introduction of the weighted system of allocation of resource teaching support will have on resource teachers and resource hours; and if she will make a statement on the matter. [19666/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, a new scheme for allocating resource teachers to schools to cater for the needs of children with high-incidence special needs and learning support needs was announced last month. The reason for the new scheme is simple. Children with special needs such as dyslexia or mild learning difficulties are found in almost every school. It makes sense then that every school should have a number of resource teaching hours based on the number of pupils in the school.

This is a major improvement on the previous system, under which children with high incidence special needs required a psychological assessment before they were given resource teaching hours by the Department. This was a time-consuming process that often led to delays in children getting the support they needed. Resource teachers will now be in place in the school from the start of the school year so that children who need their assistance can get it straight away.

Under the new arrangement disadvantaged schools, boys schools and mixed schools get extra resources as research shows that pupils in these schools are more likely to have learning difficulties.

To ensure that every school has enough resource teaching hours to meet the needs of its pupils, an extra 660 resource teaching posts are being put in place for next September. A total of 340 of these are permanent posts and 320 are temporary posts being provided to ensure that children who had been given an individual allocation of resource teaching hours by my Department will keep these in situations where the general allocation to the school would not be sufficient to allow the school to provide these hours from within its general allocation.

The provision of these temporary posts will ensure that no child who has been allocated a specific number of hours with a resource teacher by my Department will lose these under these new arrangements. In fact, the reality is that the majority of schools are gaining resource teaching hours under the new scheme.

Addressing the concerns of small and rural schools was, as the Deputy will be aware, the reason I initiated a review of the original general allocation model which had been announced last year, to come into effect in the 2005-06 school year. Following this review, a special improved ratio for small schools has been introduced to ensure that they are given resource teaching hours on a more favourable basis.

I would like to stress that despite misleading claims to the contrary, the new scheme does not prevent schools from giving one-to-one time with a resource teacher to any child who needs such support. Rather, it ensures that each school has enough resources to ensure that each child gets a level of support appropriate to their individual needs.

The school can then use its professional judgement to decide how these hours are divided between different children in the school to ensure that all their needs are met. Research shows that some children with special needs will respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The point is that the type of response needed depends on the child. While the new scheme will not prevent schools from giving one-to-one time with the resource teacher to children that need it, it is important to note that one-to-one teaching is not the best option for every child.

I am grateful to the Minister for Finance for providing me with the resources to ensure that the new system could be put in place.

As of next September there will be over 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. Indeed, one out of every five primary school teachers is now working specifically with children with special needs.

The Government, and I as Minister for Education and Science, is deeply committed to improving services for children with special needs. I believe that, in addition to the massive increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

School Inspection Reports.

98. **Mr. Broughan** asked the Minister for Education and Science her views on the recent decision of the Supreme Court banning the publication of inspectors reports on primary schools; and if she will make a statement on the matter. [19655/05]

Minister for Education and Science (Ms Hanafin): The judgment of the Supreme Court issued on 31 May 2005 clarifies that it is within

the discretion of the Minister for Education and Science under section 53 of the Education Act 1998 to decide whether or not to release information on schools. This discretionary power applies to the publication of school inspection reports.

In the light of growing demand for information on school quality, we need to make more information on schools available. However, this information must be balanced and must take account of the wide range of work undertaken by the schools. As I have stated on numerous occasions, I am totally opposed to the publication of crude league tables based on examination results. School inspection reports provide balanced evaluations of the work of schools and I am convinced that their wider availability could be very beneficial to students, parents, teachers and schools.

It is my intention to move to a situation where my Department will make school inspection reports more widely available. I intend to proceed on this in a planned and well thought out way. I have asked the inspectorate to consult with the education partners on how best we can achieve this.

School Accommodation.

99. **Mr. Boyle** asked the Minister for Education and Science the plans in place to purchase a site and build a new permanent school for a school (details supplied) in County Mayo before September 2006. [19759/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy opened in September 1996 with provisional recognition. Having met the criteria for recognition and proven its viability, the school was granted permanent recognition in 2000. Standard practice is that the school authorities are responsible for the securing of interim accommodation which is grant-aided by the Department, pending the securing of permanent recognition. On being granted permanent recognition, a school becomes eligible for capital funding. The rate of progress towards a permanent accommodation solution depends on a number of factors including availability of sites and the Department's budgetary capacity to meet the level of demand.

The school is currently accommodated in pre-fabricated classrooms on a three quarter acre site in the town. The rental costs of the site and classroom accommodation is grant-aided by my Department at the rate of 95%. My Department is advised that the lease on the site is due to expire in June 2006.

I assure the Deputy that we are acutely aware of the urgent need for an accommodation solution for this school particularly given the limitations on the existing arrangement and my Department is doing its utmost to achieve a satisfactory outcome at the earliest possible date.

To that end the property management section of the Office of Public Works has been actively

[Ms Hanafin.] engaged in seeking a suitable site for a new school building. Soil sampling is being undertaken to verify the suitability of a particular site. The result of the tests and final assessment of site suitability is expected to be concluded and with my Department in a week or two.

Question No. 100 answered with Question No. 88.

Psychological Service.

101. **Mr. Bruton** asked the Minister for Education and Science the number of psychologists employed by the National Educational Psychological Service; and if she will make a statement on the matter. [19687/05]

Minister for Education and Science (Ms Hanafin): The complement of psychologists in NEPS has increased almost three-fold from 43 psychologists on establishment to 128 psychologists at present.

All schools that do not currently have NEPS psychologists assigned to them may avail of the scheme for commissioning psychological assessments, SCPA, whereby the schools can commission assessments from a member of the panel of private psychologists approved by NEPS, and NEPS will pay the fees directly to the psychologists concerned. Details of this scheme, including the conditions that apply to it, are available on my Department's website.

NEPS also provides assistance to all schools that suffer from critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. In addition, in respect of all schools, NEPS processes applications for reasonable accommodations in certificate examinations.

On behalf of my Department, the Public Appointments Service has recently initiated a new recruitment competition for NEPS. Any increase in the overall numbers of psychologists in NEPS must take account of Government policy on public sector numbers.

Schools Funding.

102. **Aengus Ó Snodaigh** asked the Minister for Education and Science her plans to end the funding crisis in regard to Educate Together schools and the ongoing difficulties this is causing in terms of their development (details supplied). [19781/05]

142. **Mr. Kenny** asked the Minister for Education and Science the level of funding allocated by her Department to the Educate Together group; and if she will make a statement on the matter. [19728/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 102 and 142 together.

I am not aware of any funding crisis in Educate Together schools. These schools qualify on the same basis as other primary schools for various

Department grants, including capitation and ancillary services grants, both of which have been increased significantly in recent years.

Each year my Department provides grant assistance to the primary school management bodies, including Educate Together, to defray costs incurred in the running of their organisations. The level of grant paid for Educate Together in 2005 is €41,133.

Educate Together has submitted an application for additional funding to my Department. My Department is currently engaged in discussions with Educate Together. The provision of some additional funding in 2005 is under discussion along with the organisation's longer term needs.

Education Welfare Service.

103. **Mr. J. O'Keeffe** asked the Minister for Education and Science the number of education welfare officers currently employed by the NEWB; and if she will make a statement on the matter. [19729/05]

Minister for Education and Science (Ms Hanafin): Since its formal launch in December 2003, the aim of the National Educational Welfare Board has been to provide a service to the most disadvantaged areas and most at-risk groups. Five regional teams have been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Thirteen towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education.

The service is developing on a continuing basis and the board received sanction in late 2004 from my Department for an additional ten educational welfare officers. This brings its total authorised staffing complement to 94, comprising 16 HQ and support staff, five regional managers, 11 senior educational welfare officers and 62 educational welfare officers.

The board has indicated to my Department that it is in the process of filling 13 positions arising from the current recruitment process including one senior educational welfare officer post and 12 educational welfare officer posts. I understand that it is the intention of the board to have the positions filled prior to the commencement of the next school year.

Special Educational Needs.

104. **Ms C. Murphy** asked the Minister for Education and Science the number of special needs assistants assigned to schools in County Kildare; the number of these which will have their contracts renewed prior to the ending of the 2004-05 school year; if a more formal structure will be put

in place for special needs assistants in view of the fact that many are investing their own funds in training and have built up valuable experience; if she intends to introduce specific contracts for special needs assistants; and if she will make a statement on the matter. [19769/05]

Minister for Education and Science (Ms Hanafin): There were 273.31 whole-time equivalent special needs assistants, also known as SNAs, employed in 80 primary schools in County Kildare on my Department's payroll at the end of May 2005. It is not possible to say how many of these will have their contracts renewed for the new school year. Responsibility for the recruitment and employment of SNAs rests with the relevant school authorities.

SNAs are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. I can confirm that there has been no change to the criteria or guidelines for allocating SNA support to schools and I can further confirm that there are no plans to review the criteria or guidelines under which SNA support is allocated.

Applications for SNA support are now dealt with by the National Council for Special Education which processes all applications for support from schools and communicates the decisions directly to the schools. At this stage, the council has dealt with all new applications from schools for SNAs that will be required from the beginning of September 2005.

However, in order to ensure that resources are used in the most effective manner, a review has been conducted in recent months to establish whether primary schools have the level of SNA support that they need for children in their care, whether they have resources which they no longer need or whether they need extra resources.

The review has found that some schools no longer have the care needs for which the SNA was originally sanctioned, that is, in some cases the child may have left the school while in other cases the care needs of the child have diminished as the child has progressed through the school. In this regard, the schools where surplus SNA support was identified have been advised that they may retain this surplus until the end of the current school year.

My Department is engaged in discussions with the trade union representing SNAs, under the auspices of the Labour Relations Commission, on a number of issues relating to the employment of SNAs, including the issues raised by the Deputy. In the circumstances, it would not be appropriate for me to comment specifically on any of these issues.

The Deputy will be aware that this Government has put in place an unprecedented level of support for children with special needs. Indeed, since 1998, the number of SNAs has increased from under 300 to nearly 6,000 nationally. In addition to this, more effective systems, such as the establishment of the National Council for

Special Education, have been put in place to ensure that children get support as early as possible.

School Curriculum.

105. **Mr. Sargent** asked the Minister for Education and Science if she is considering introducing ECDL or a comparable information and communications technology course as a second level subject. [19768/05]

Minister for Education and Science (Ms Hanafin): A number of schools currently facilitate students in completing ECDL, particularly in transition year. However, I have no plans to introduce information and communications technology, ICT, as a discrete examination subject for second level students.

Recent thinking on ICT in schools is that the best way to learn ICT skills is to apply them in meaningful context. Based on this, the focus in Ireland is on developing and promoting the use of ICT as a tool for learning across the curriculum. The National Council for Curriculum and Assessment, NCCA, is currently developing a framework for ICT in curriculum and assessment. This will outline the kinds of ICT learning experiences that students should have during key phases of their schooling and will provide guidance on how these can be provided by integrating ICT across the curriculum. This is in line with current international practice.

Educational Projects.

106. **Mr. Stanton** asked the Minister for Education and Science the supports or programmes her Department offers to encourage secondary school pupils in disadvantaged areas to progress to higher or further education; the success of these supports and programmes in encouraging students in these areas to progress to third level institutions; and if she will make a statement on the matter. [19778/05]

Minister for Education and Science (Ms Hanafin): In 1980 3% of socio-economically disadvantaged school-leavers entered higher education. According to the most recent national survey data available for 1998 — Clancy 2001, that figure has risen to between 20 and 30% of school-leavers from the most under-represented groups. While this represents a significant improvement it is below the current average participation rate of 54% for all young people.

A recent sample survey of 10% of entrants to higher education in 2003 carried out on behalf of the HEA is providing indications that the participation rate of socio-economically disadvantaged groups has increased further since 1998-37% for the most under-represented unskilled group in the 1998 report. This report also indicates that admission rates to higher education from all counties in the state and 17 of the 21 Dublin postal districts, including many districts with areas of concentrated disadvantaged, have risen

[Ms Hanafin.] since 1998. It is also clear, however, that while there is welcome improvement, some counties and districts have admission rates which are below the national average and it is here that we need to continue to focus our efforts. A full study of access in 2004, currently being carried out on behalf of the HEA and scheduled for publication later this year, will give a more comprehensive review of both the social background of new entrants and trends in admission by county or postal district of origin.

Improvements in participation rates reflect the outcome of how State funding measures have over the last decade increasingly focused on improving the progress and performance of young people from areas of socio-economic disadvantage, firstly in primary and second level education then in the transition to further and higher education.

Measures directed at improving participation in higher education include the establishment in August 2003 of a National Office for Equity of Access to Higher Education within the HEA as a co-ordinating unit to lead work nationally on achieving equity of access to higher education, co-ordinate funding and resources, and monitor and report on progress.

In December 2004 the national office published a three-year action plan for the period 2005-07, which sets out a range of practical steps which need to occur so that more opportunities are created for groups who have to date been under-represented in the sector, such as socio-economically disadvantaged school-leavers. This will include arrangements so that all disadvantaged regions, schools and communities, in particular those with low levels of representation, are linked to access activities and programmes in at least one higher education institution in their region.

A priority area for action in the plan is evaluation of access programmes which have been established in higher education institutions to ascertain what strategies and partnerships work best in achieving equity of access to higher education for all under-represented groups. This work has commenced and building upon the outcome the national office will develop and support the implementation of a national framework of access policies and initiatives for each target group, including young people from socio-economically disadvantaged areas.

The national office also manages a number of funding programmes to widen access and support the participation of under-represented groups in higher education. These include the HEA strategic initiative funding, improving access, through which €7.3 million is ring-fenced annually for widening access programmes in HEA funded institutions. This scheme has supported a range of pre and post-entry actions and interventions on the part of 11 third level institutions towards increasing access as well as supporting the subsequent participation and completion of students from disadvantaged areas, including work with

primary and second level schools, extra tuition, further education links, foundation courses, direct entry arrangements, learning support and financial support.

A review of the scheme was published by the HEA in October 2004. Towards a National Strategy — Initial Review of HEA Targeted Initiatives to Widen Access to Higher Education, provides an overview of the outcomes and impact of initiatives to date and also identifies where further progress needs to occur. There are similar access programmes in the institute of technology, non-HEA, sector which will be reviewed as part of the overall evaluation of access programmes currently under way.

A number of other funding programmes have also contributed to increased participation by young people from disadvantaged areas including the student assistance fund which provides financial support to students who require additional support to enable them to fully benefit from their third level studies — €5.6 million was allocated under this fund in 2004-05; and the millennium partnership fund for disadvantage through which €1.85 million was allocated in 2004-05 to 68 partnerships and community groups.

In addition, my Department provided grants of approximately €460,000 in 2004 to specific projects such as the Ballymun initiative for third level education; Clondalkin higher education access project; the accessing college education project, based in Tallaght; the Limerick community based education initiative; the Trinity access programme; the Blanchardstown area partnership; the northside partnership based in Coolock and the Wexford campus of the Institute of Technology Carlow.

The national office will be monitoring and reporting on progress in implementing the action plan and reaching national and institutional targets on equity of access to higher education.

Student Councils.

107. **Mr. Gilmore** asked the Minister for Education and Science if she intends to implement the recommendations contained in the recent report, Second Level Student Councils in Ireland, produced by the children's research centre in Trinity College, Dublin; and if she will make a statement on the matter. [19659/05]

Minister for Education and Science (Ms Hanafin): The research report referred to by the Deputy was commissioned by the working group on student councils in second level schools. The working group was established by the National Children's Office in June 2003, in co-operation with my Department, to promote the establishment of democratic student councils in second level schools. All of the partners in education and 11 second level students are members of the group. Officials of my Department are also participating in the working group.

In order to develop a better understanding of the operation of student councils and discover the

needs of students, teachers, principals and schools, the working group contracted the children's research centre at Trinity College to carry out the research. The aim of the research study was to describe barriers, enablers and supports to the development and operation of student councils in Ireland as perceived by key stakeholders and to situate this within the international context. The research raises issues and makes recommendations for the development and support of student councils and is still being considered by the working group. The research report was formally launched by my colleague, the Minister of State with responsibility for children, Deputy Brian Lenihan, on 25 April last.

The working group will make a final report on their findings, including a proposed three year strategy to support the establishment and development of student councils, to my colleague, the Minister for children, by the end of June 2005. I will consider the recommendations contained in the research report in the context of the final report from the working group when it becomes available.

Joint Managerial Bodies.

108. **Mr. Costello** asked the Minister for Education and Science if her attention has been drawn to results of a survey of 250 joint managerial body members which showed that some principals were working up to 70 hours per week and that many are also forced to work during holiday periods; her plans to ease the workload on principals through the provision of administrative support or other measures; and if she will make a statement on the matter. [19658/05]

Minister for Education and Science (Ms Hanafin): I am very aware of the administrative burden currently placed on schools and the effect this has on the workload of principals. I have started a process of review of the administrative burden imposed on schools arising from departmental and legislative requirements. I believe we can collectively seek opportunities to ensure that this burden is kept to the minimum, consistent with achieving the worthwhile and indeed essential objectives of legislation in recent years.

The core purpose of the review I have set in motion is to focus sharply upon administrative processes and consequent administrative burdens which arise within the school as a result of regulations and-or departmental requirements and to consider what scope exists for alleviating these or having them performed in a more efficient and less demanding manner from the perspectives of the school.

My Department wrote to the various representative bodies last March inviting them to consider where and in what way present processes can be improved upon. A number of submissions have been received to date, including one from the joint managerial body, JMB, incorporating the key findings of the JMB survey of its members to which the Deputy refers. My Department is

currently in communication with the JMB with a view to arranging a follow up meeting to discuss their submission.

Teaching Profession.

109. **Ms Lynch** asked the Minister for Education and Science if she has received the report of the committee examining ways of attracting more men into primary teaching; the main findings of the report; the action she intends to take to ensure a better gender balance in the teaching profession; and if she will make a statement on the matter. [19663/05]

Minister for Education and Science (Ms Hanafin): I understand that the committee examining this issue held its final meeting recently and agreed the core elements of the report and that the final text of their report is being drafted at present. I expect to receive its report shortly.

The relatively low levels of men in the primary teaching forces, which is a feature common to all OECD countries, is an issue that is of concern to me. I believe it is important to attract more men into teaching for a number of reasons, not least of which is the positive role models that teachers provide in children's lives and the desirability of having both male and female role models in our schools.

I genuinely believe that teaching should be seen as an attractive profession for the best candidates of both genders. Teaching is fulfilling work which makes a huge social contribution. With the increases in teachers' salaries under partnership agreements and benchmarking in recent years, it is also now a well-paid job.

This Government wants to attract and reward the best teachers. In addition to increasing teachers' salaries, we have also undertaken other initiatives to enhance the status of the profession. Not least of these is the establishment of the Teaching Council as a professional regulatory body.

I know, however, that a particular focused effort must be made to encourage more men to become teachers, particularly at primary level. I look forward to receiving the committee's report, which I understand will make recommendations in respect of both short-term and long-term strategies for attracting more men into the profession.

Psychological Service.

110. **Mr. Crawford** asked the Minister for Education and Science the number of special schools in the State which are not covered by the National Educational Psychological Service; and if she will make a statement on the matter. [19692/05]

Minister for Education and Science (Ms Hanafin): All schools have access to psychological assessments, either directly through the National Educational Psychological Service, NEPS, for those schools currently served by

[Ms Hanafin.] NEPS, or through the scheme for commissioning psychological assessments, SCPA, for those that do not currently have NEPS psychologists assigned to them.

All schools that do not have NEPS psychologists assigned to them may avail of this scheme, whereby they can commission assessments from a member of the panel of private psychologists approved by NEPS, and NEPS will pay the fees directly to the psychologists concerned. Details of this scheme, including the conditions that apply to it, are available on my Department's website.

At present, 87 special schools do not have a NEPS psychologist directly assigned to them. However, it should be pointed out that many schools for children with disabilities receive psychological support from voluntary bodies or the Health Service Executive.

The complement of psychologists in NEPS has increased almost three-fold from 43 psychologists on establishment to 128 psychologists at present.

NEPS also provides assistance to all schools that suffer from critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for reasonable accommodations in certificate examinations.

On behalf of my Department, the Public Appointments Service has recently initiated a new recruitment competition for NEPS. Any increase in the overall numbers of psychologists in NEPS must take account of Government policy on public sector numbers.

Education Welfare Service.

111. **Ms Enright** asked the Minister for Education and Science the average case load of each education welfare officer at present; and if she will make a statement on the matter. [19686/05]

Minister for Education and Science (Ms Hanafin): The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

To discharge its responsibilities, the board is developing a nationwide service that is accessible to schools, parents-guardians and others concerned with the welfare of young people. For this purpose, educational welfare officers, EWOs, are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the board's functions locally.

The service is developing on a continuing basis and the board received sanction in late 2004 from my Department for an additional ten educational

welfare officers. This brings its total authorised staffing complement to 94, comprising 16 HQ and support staff, five regional managers, 11 senior educational welfare officers and 62 educational welfare officers.

The board is in the process of making 13 appointments arising from the recent recruitment campaign, including one senior educational welfare officer and 12 educational welfare officers.

These appointments will bring the number of service delivery staff to its authorised complement and will enable the board to further roll out its services at local level around the country.

Five regional teams have been established by the board with bases in Dublin, Cork, Limerick, Galway and Waterford and staff are deployed in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Thirteen towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them. In addition, the board follows up on urgent cases nationally where children are not currently receiving an education.

The budget which has been allocated to the NEWB for 2005 is €7.8 million, an increase of €1.3 million or 20% on the 2004 allocation.

The National Educational Welfare Board has indicated to my Department that the average caseload of each educational welfare officer as at May 2005 was approximately 200. The board is continuously reviewing the protocols for prioritising children and families who require intervention in order to ensure that children with greatest need gain maximum impact from available resources, and to work with local agencies in prioritising children's and family needs.

Schools Building Projects.

112. **Mr. Naughten** asked the Minister for Education and Science the action she is taking to upgrade schools in County Roscommon; and if she will make a statement on the matter. [18995/05]

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 2005-09 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 Roscommon which are not included in these announcements are being assessed and considered for inclusion in further announcements as

part of the 2005-09 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. This is also known as the devolved grant. The level of grant paid amounts to €3,809 per school plus €12.70 per pupil.

School Staffing.

113. **Mr. Timmins** asked the Minister for Education and Science the number of primary schools in County Wicklow which have concessionary teachers; and if she will make a statement on the matter. [19776/05]

Minister for Education and Science (Ms Hanafin): There are six primary schools in County Wicklow with concessionary teaching posts.

University Post.

114. **Mr. Howlin** asked the Minister for Education and Science the circumstances under which the Government agreed to an extension of four years in the term of office of the president of UCC; if it is planned to extend this facility to any other head of a third level college; and if she will make a statement on the matter. [19652/05]

Minister for Education and Science (Ms Hanafin): Under the Universities Act 1997, any amendment to the superannuation scheme of University College Cork requires the approval of the Higher Education Authority and the consent of the Minister for Education and Science and the consent of the Minister for Finance. I recently consented to an amendment to the superannuation scheme of University College Cork as did my colleague the Minister for Finance.

The amendment provided that the present holder of the Office of President of University College Cork shall hold office for a period of ten years from 26 January 1999. By making such provision, the amendment removed the requirement to retire at age 65 from the present holder of the office. The text of the amendment is contained in statute J of UCC. As is required under the provisions of the Universities Act 1997, the statute will be laid before both Houses of the Oireachtas in due course, as a statutory instrument.

The Public Service Superannuation (Miscellaneous Provisions) Act 2004 removed the requirement to retire on age grounds from most public servants who were appointed on or after 1 April 2004.

State Examinations.

115. **Mr. M. Higgins** asked the Minister for Education and Science if her attention has been drawn to the call from the TUI for the extension of the leaving certificate timetable beyond the current 13 days and the better distribution of core subjects throughout the exam period; her views

on the call made; and if she will make a statement on the matter. [19662/05]

Minister for Education and Science (Ms Hanafin): On foot of a Government decision, the then Minister for Education and Science formally established the State Examinations Commission on 6 March 2003. The commission now has statutory responsibility for operational matters relating to the certificate examinations, such as the timetabling of examinations.

I have asked officials from my Department to discuss the matter with the State Examinations Commission.

Teachers' Remuneration.

116. **Mr. Quinn** asked the Minister for Education and Science the reason she is unable to provide details of the number of school days taken by unqualified teachers; the steps she intends to take to ensure that such information is made available; and if she will make a statement on the matter. [19674/05]

Minister for Education and Science (Ms Hanafin): My Department's payroll can provide information on the number of days for which unqualified temporary and substitute teachers were employed.

In the 2003-04 school year, 139,570 substitution days were paid to unqualified teachers. In the same year, 165,087 days in respect of temporary teacher appointments were paid to unqualified teachers. However, I should point out that, as the teacher's payroll system is structured to pay temporary teachers in respect of a seven day week, this figure is somewhat inflated as it includes week-ends and school closures and does not specifically take account of school days. Due to the complexities involved in compiling this data and having regard to the staffing resources available to my Department, it is not intended to extract details of the number of school days worked by individual temporary unqualified teachers.

The Deputy may be interested to note however that my officials have recently written to the boards of management of all primary schools employing an unqualified teacher. The boards have been directed to employ fully qualified primary teachers for any vacancy arising in the coming school year.

School Transport.

117. **Mr. English** asked the Minister for Education and Science if safety belts will be fitted on all school transport vehicles; and if she will make a statement on the matter. [19745/05]

831. **Mr. Durkan** asked the Minister for Education and Science her plans to ensure the provision of seat belts in all school buses throughout the country; if she is prepared to meet this requirement by September 2005; and if she will make a statement on the matter. [20102/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 117 and 831 together.

There is at present no legal requirement to wear seat belts in buses, including school buses, in this country. However, EU Directive 2003/20 requires seat belts to be used where they are fitted. This directive must be transposed into national law by 9 May 2006.

Separately, proposals to extend the requirement for seat belts to be fitted in all new vehicles, except for city buses used in stage stop routes, have been developed at EU level. When the directive is adopted, all new school buses being registered from a future date, yet to be determined, will require to be fitted with seat belts. It is not expected that this directive will provide for any mandatory retrofitting of seat belts in existing buses.

The question of the fitting and the mandatory use of seat belts on school buses, outside of these legislative requirements, is at present under consideration in my Department. Before any decision is made, the issue of the type, or types, of seat belt to be fitted must be determined having regard to the differing sizes of the student passengers being carried. My Department is working closely with the Department of Transport and Bus Éireann on this issue and any decisions reached will be guided by expert advice.

Whatever conclusion is reached, the provision of seat belts on school buses, if that is what is recommended, would have to be introduced on a phased basis having regard to the logistical difficulties involved in sourcing right-hand drive buses equipped with any appropriate seat belts and the fact that not all the buses in the current fleet may be suitable for the retrofitting of seat belts.

Schools Refurbishment.

118. **Mr. Gogarty** asked the Minister for Education and Science if her attention has been drawn to the fact that the conditions at a school (details supplied) in County Dublin have continued to deteriorate and that maintenance funding is no longer effective; the reason there is an ongoing delay in sorting out the serious overcrowding problems in the school; if there are plans to find an alternative suitable location for the school as a matter of urgency; and if she will make a statement on the matter. [19757/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is in receipt of an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects which were revised following consultation with the education partners last year. Progress on the application is being considered in the context of the school building programme from 2005 onwards.

I am pleased to inform the Deputy that earlier this year I approved funding for the school under the summer works scheme to upgrade its toilet facilities. It will be open to the school to apply for further funding for other improvement works under the 2006 scheme when it is announced later this year.

School Transport.

119. **Mr. G. Mitchell** asked the Minister for Education and Science when the 3:2 rule will no longer be necessary on school bus transport; and if she will make a statement on the matter. [19713/05]

148. **Mr. Boyle** asked the Minister for Education and Science if she plans to end the practise of school buses carrying more passengers than can be seated. [19760/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 119 and 148 together.

The loading of all school buses is determined by the relevant sections of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations which are laid down by the Department of Transport. The licensed carrying capacity of all vehicles engaged in school transport is based on a ratio of three pupils for every two adult seats, in accordance with relevant legislation.

My Department has been in discussions with Bus Éireann with a view to phasing out the three for two arrangement over the next two or three years. Indeed, the discussions have been advanced to a stage at which it is possible to confirm that the necessary steps are now being taken to commence the general phasing out of this arrangement from next September.

The wearing of seat belts and the three for two rule are intrinsically linked, which means that school children who are travelling on buses equipped with seat belts from next May will also be provided with a single seat.

Separately, proposals to extend the requirement for seat belts to be fitted in all new vehicles, except for city buses used in stage stop routes, have been developed at EU level. When the directive is adopted, all new school buses being registered from a future date will require to be fitted with seat belts. It is not expected that this directive will provide for any mandatory retrofitting of seat belts in existing buses.

School Staffing.

120. **Dr. Cowley** asked the Minister for Education and Science the reason she has decided to reduce a three teacher school (details supplied) in County Mayo to a two teacher school; if she will overturn this decision and take steps to ensure the continuation of this school. [19779/05]

778. **Mr. Ring** asked the Minister for Education and Science if a teacher will not be removed from

a school (details supplied) in County Mayo for one year. [19849/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 120 and 778 together.

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 mainstream 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 50 pupils at 30 September 2003.

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 45 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 on 14 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.

School Placement.

121. **Mr. Stanton** asked the Minister for Education and Science the number of pupils who enrolled in junior infants in ordinary classes in September 2004; the breakdown of the ages of the pupils involved; and if she will make a statement on the matter. [19777/05]

Minister for Education and Science (Ms Hanafin): Completed data are not available for the current school year because a number of outstanding queries on returns from a small number of schools must be resolved before the current primary census is finalised.

I will forward the information sought directly to the Deputy as soon as it is available.

School Accommodation.

122. **Mr. Eamon Ryan** asked the Minister for Education and Science the number of parents who applied for a place in a Lucan primary school and who have been forced to send their children elsewhere in September 2005. [19765/05]

Minister for Education and Science (Ms Hanafin): It is important to understand that my

Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result in parents not obtaining a place in the school of their first choice for their child.

There are ten primary schools in the Lucan area including two new state of the art multi-denominational schools and a new Gaelscoil due to commence operation in September 2005. These developments, together with a number of extensions to existing schools, the provision of temporary accommodation and the reorganisation of one school to enable the enrolment of an additional two junior infant classes, has increased capacity significantly in the area. Through a combination of these measures, the school planning section of my Department is satisfied that, between them, the schools have adequate accommodation to cater for current demand.

My Department continues to monitor school needs in the Lucan area. In this regard all schools have been requested to submit their pre-enrolment lists with the date of birth of prospective pupils so that any newly emerging needs can be addressed as expeditiously as possible.

Residential Institutions Redress Scheme.

123. **Mr. Penrose** asked the Minister for Education and Science the total number of persons who have made compensation applications to the Residential Institutions Redress Board at the latest date for which figures are available; the way in which the number of applications compares with the original estimate made by her Department; the latest estimate of the number of applications; the total amount paid out in awards to date and the estimated likely total liability of the State; and if she will make a statement on the matter. [19671/05]

Minister for Education and Science (Ms Hanafin): The Residential Institutions Redress Board is an independent body established under statute in December 2002 to provide financial redress to persons who, as children, were abused while resident in industrial schools, reformatories or other institutions that were subject to State regulation or inspection.

To date, the board has received 6,300 applications and has processed some 3,277 of these cases at a total cost of approximately €253 million.

The board has prepared its second annual report which covers the period 1 January 2004 to 31 December 2004. This report was laid before the Houses of the Oireachtas on 13 April 2005 and is available on the board's website at www.rirb.ie. In its 2004 report, the board states that, based on the pattern of receipt of applications to date, it anticipates receiving between 7,500 and 8,000 applications by the final date for receipt of applications on 15 December 2005, though it emphasises that this is a tentative estimate.

[Ms Hanafin.]

The redress scheme has now been in operation for almost two and a half years, and the board will continue to accept applications until 15 December 2005. At that stage, it will be possible to determine the total number of applications under the scheme but, as it will take the board some considerable time to deal with all applications, the final cost of the scheme may not be known until some time in 2007. Based on the total number of applications the redress board expects to receive up to the end of this year, and allowing for legal and administration costs, the estimated total cost of the scheme will be somewhere in the region of €680 million and €730 million.

The Department of Education and Science's estimate prior to the establishment of the redress board was that the amount of compensation would be €508 million, not including legal and administration costs. Including legal and administration costs, the cost of awards under this estimate would be €610 million.

I should add that the final cost of the redress scheme must be viewed in the context of the Government's concern to provide reasonable compensation towards the hurt and suffering experienced by victims of abuse and the very substantial costs that would have been incurred in any event if no such scheme had been established and if cases had been processed in the normal manner through the courts.

Question No. 124 answered with Question No. 82.

Special Educational Needs.

125. **Mr. Neville** asked the Minister for Education and Science the manner in which the general allocation system is being introduced for children with special educational needs; and if she will make a statement on the matter. [19721/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, a new scheme for allocating resource teachers to schools to cater for the needs of children with high-incidence special needs and learning support needs was announced last month. The reason for the new scheme is simple. Children with special needs such as dyslexia or mild learning difficulties are found in almost every school. It makes sense then that every school should have a number of resource teaching hours based on the number of pupils in the school.

This is a major improvement on the previous system, under which children with high incidence special needs required a psychological assessment before they were given resource teaching hours by the Department. This was a time-consuming process that often led to delays in children getting the support they needed. Resource teachers will now be in place in the school from the start of the school year so that children who need their assistance can get it straight away.

Under the new arrangement disadvantaged schools, boys schools and mixed schools get extra resources, as research shows that pupils in these schools are more likely to have learning difficulties.

To ensure that every school has enough resource teaching hours to meet the needs of its pupils, an extra 660 resource teaching posts are being put in place for next September. A total of 340 of these are permanent posts and 320 are temporary posts being provided to ensure that children who had been given an individual allocation of resource teaching hours by my Department will keep these in situations where the general allocation to the school would not be sufficient to allow the school to provide these hours from within its general allocation.

The provision of these temporary posts will ensure that no child who has been allocated a specific number of hours with a resource teacher by my Department will lose these under these new arrangements. In fact, the reality is that the majority of schools are gaining resource teaching hours under the new scheme.

Addressing the concerns of small and rural schools was, as the Deputy will be aware, the reason why I initiated a review of the original general allocation model which had been announced last year, to come into effect in the 2005-06 school year. Following this review, a special improved ratio for small schools has been introduced to ensure that they are given resource teaching hours on a more favourable basis.

I would like to stress that despite misleading claims to the contrary, the new scheme does not prevent schools from giving one-to-one time with a resource teacher to any child who needs such support. Rather, it ensures that each school has enough resources to ensure that each child gets a level of support appropriate to their individual needs.

The school can then use its professional judgement to decide how these hours are divided between different children in the school to ensure that all their needs are met. Research shows that some children with special needs will respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The point is that the type of response needed depends on the child. While the new scheme will not prevent schools from giving one-to-one time with the resource teacher to children that need it, it is important to note that one-to-one teaching is not the best option for every child.

I am grateful to the Minister for Finance for providing me with the resources to ensure that the new system could be put in place.

As of next September there will be over 5,000 teachers in our primary schools working directly with children with special needs, including those

requiring learning support. This compares to under 1,500 in 1998. Indeed, one out of every five primary school teachers is now working specifically with children with special needs.

The Government, and I as Minister for Education and Science, are deeply committed to improving services for children with special needs. I believe that, in addition to the massive increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

Computerisation Programme.

126. **Mr. Eamon Ryan** asked the Minister for Education and Science the reason Government spending of €160 million on information and communications technology in schools is only half that of Northern Ireland; if there are plans to increase investment; and if she will make a statement on the matter. [19766/05]

Minister for Education and Science (Ms Hanafin): In respect of the funding being provided for ICT in our schools, it is important to note the significant developments in recent years and the fact that a major project is under way at present to bring broadband connectivity to all recognised schools. This project is being undertaken in partnership with industry, following the establishment of a three year joint Government-IBEC-TIF fund. Combining Government and industry investment means that Irish schools benefit from more expenditure than just that which is being provided from Exchequer funds.

The broadband connectivity is being provided via a schools national broadband network supported by HEAnet, which will provide managed Internet access, e-mail, security controls and other services designed to enhance the educational process. A broadband support service is being provided by the NCTE to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity within the schools network.

The provision of always-on high speed Internet access for schools represents a major development in the ICT in schools programme to integrate technology into teaching and learning and equip our young people for full participation in the information society.

The roll-out of broadband to schools will enable them to capitalise on the potential that other significant Government investment in IT infrastructure and ICT training for teachers in recent years has to improve learning opportunities.

School Inspections.

127. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the number of schools at primary level and secondary level inspected by the Health and Safety Authority in each of the past five years; the number of cases in which adverse findings were made by the

inspectors; the steps she is taking to ensure that all schools are brought up to an acceptable level and that such inspections be no longer required; and if she will make a statement on the matter. [19668/05]

144. **Ms Burton** asked the Minister for Education and Science the steps she intends to take to deal with the intolerable conditions in a number of primary schools identified in the recent report from the Health and Safety Authority; and if she will make a statement on the matter. [19654/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 127 and 144 together.

In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the risks to health and safety and to put appropriate safeguards in place.

It is open to school management authorities or individuals to make direct contact with the Health and Safety Authority in relation to matters of concern to them and the Department would not necessarily be aware of such communications. Where they are issued, notifications from the Health and Safety Authority are sent to the management authorities of schools in the first instance.

In practical terms, individual school authorities are best placed to assess the detail of their own health and safety requirements.

Provision is built into the school building programme to enable schools address urgent health and safety problems. Primary schools are given an annual allocation, currently amounting to €3,809 plus €12.70 per pupil, under the grant scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to school infrastructure.

The summer works scheme was introduced during 2004 which provides capital grants for small scale refurbishment works at primary and post-primary schools. The level of funding that is provided is based on the cost estimate provided by the school's design team at application stage. Responsibility for the delivery of the projects is entirely devolved out to the schools and their design teams. The scope of works covered under this scheme is intended to address health and safety issues in all schools as well as improvement works to the existing fabric of the buildings.

A total of €31 million was spent in 2004 on 292 primary projects and 158 post-primary projects under this scheme. The 2005 programme provides for 380 primary school projects and 234 post-primary school projects that will be grant-aided at a total cost of approximately €64.4 million.

The Department also sets aside a contingency sum each year to deal with emergency works in primary and post-primary schools, including

[Ms Hanafin.] health and safety works. Urgently required health and safety works relating to asbestos removal, radon mitigation or dust extraction may be grant-aided under the remediation programmes operated by the school building section of my Department.

In addition to the summer works scheme, I have made a number of announcements regarding the 2005 schools building and modernisation programme. This year alone, €270 million will be allocated to primary schools and €223 million to post-primary schools for building works. This represents an increase of 14% on the 2004 allocation.

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

The new schools building and modernisation programme 2005-2009 will be underpinned not just by a significant increase in overall funding but also by major improvements in the administration of the funding. Devolving more funding to local level through the summer works scheme and the small and rural schools initiative will allow schools to move ahead more quickly with smaller projects.

Question No. 128 answered with Question No. 64.

Third Level Sector.

129. **Mr. J. O'Keeffe** asked the Minister for Education and Science the recommendations of the McIver report progressed to date; and if she will make a statement on the matter. [19726/05]

Minister for Education and Science (Ms Hanafin): The McIver report on the PLC sector contains 21 over-arching recommendations, incorporating over 90 sub-recommendations.

Having regard to the number and scope of the recommendations in the report, consultations have been held with management and staff interests with regard to such issues as the prioritisation of recommendations, the structural changes envisaged in the report, their implications and associated costs.

The Department has made it clear that the recommendations of the PLC review cannot be dealt with in isolation and will have to be considered in the light of the totality of provision for further and adult education. This will require a

realignment of the structures that have evolved in a pragmatic fashion to cater for particular needs at a given time. Initial discussions with the management side have been concluded and a joint meeting with management and staff representatives has been scheduled for later this month.

Register of Courses.

130. **Ms Burton** asked the Minister for Education and Science the circumstances in which non-approved colleges and courses appeared on her Department's website; the colleges or courses that have now been removed; the steps she is taking to ensure that such errors do not occur again; and if she will make a statement on the matter. [19653/05]

Minister for Education and Science (Ms Hanafin): My Department's website, to which the Deputy refers, contains a provisional list of courses which are approved by me in the context of allowing students from outside the European economic area and Switzerland access to the labour market.

My Department has recently commenced the compilation of a register of courses which meet criteria in relation to duration and quality. The register is now being used by the Garda National Immigration Bureau for the purpose of issuing work permits to eligible students. This register of courses is being updated on a monthly basis. New courses will be added and there will also be deletions from the register where courses are no longer found to meet the criteria.

Following a review of the register during May 2005, three courses which had been included in April were removed from the register in the light of new information received by my Department; 536 new programmes were added to the register in the same period.

I intend that the present arrangements, which are provisional, will operate until March 2006 when they will be reviewed pending emerging developments in relation to the implementation of the Report on the Internationalisation of Irish Education Services.

State Examinations.

131. **Mr. Deasy** asked the Minister for Education and Science the number of leaving certificate students who gain exemptions from the need to take the Irish examination; and if she will make a statement on the matter. [19746/05]

Minister for Education and Science (Ms Hanafin): In the 2004-05 school year 2,951 leaving certificate pupils have gained an exemption from the study of Irish. The number of pupils exempt from the study of Irish fluctuates annually depending on pupils applying who meet the criteria as set down by my Department.

My Department has issued guidelines in relation to the granting of exemptions from the study of Irish to primary and post-primary schools.

My Department's guidelines in relation to an exemption from Irish at post-primary level are outlined at rule 46 of the Rules and Programmes for Secondary Schools and circular letter M10/94.

Under the terms of this circular, my Department has delegated authority to the principals of second level schools to grant the exemptions provided that the pupil meets the criteria as set down.

Exemptions may be granted by school authorities for pupils whose primary education up to 11 years of age was received in Northern Ireland or outside Ireland; pupils who were previously enrolled as recognised pupils in a primary school or second level school who are being re-enrolled after a period spent abroad, provided that at least three years have elapsed since the previous enrolment in the State and the pupil is at least 11 years of age on re-enrolment; certain categories of pupils with special educational needs as set out in Circular M10/94; or pupils from abroad, who have no understanding of English, when enrolled.

Departmental Expenditure.

132. **Mr. Coveney** asked the Minister for Education and Science the amount spent by her Department on the provision of prefabricated buildings at secondary level for the 2004-05 academic year; and if she will make a statement on the matter. [19702/05]

Minister for Education and Science (Ms Hanafin): My Department's records are held on a calendar year basis rather than by academic year and the information which I am providing reflects that position.

Since the start of 2004 my Department has spent €5,529,738 on the purchase of prefabricated buildings at post-primary level. This expenditure was for the supply and installation of the prefabricated buildings including associated site works and other related costs such as compliance with planning permission conditions, professional fees, connections for water, electricity and sewage.

The total expenditure for 2004 and 2005 on post-primary school buildings is €386 million and the expenditure on the purchase of prefabricated buildings represents less than 1.5% of the overall outlay.

In addition to the expenditure on the purchase of prefabricated buildings my Department also provided €129,457 on the refurbishment of prefabricated buildings and €77,427 on the rental of prefabricated buildings in 2004 at post-primary level.

School Enrolments.

133. **Mr. Howlin** asked the Minister for Education and Science if she has resolved the issues of persons (details supplied) who wish to retain the right to send their children to a school in County Wexford; if her attention has been drawn to the fact that there is room in the school for

the children concerned; and if she will make a statement on the matter. [19651/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers is heavily oversubscribed as a result of a significant number of pupils enrolling from outside its catchment area. The development of this type of situation can impact negatively on pupils who reside within the catchment area and who are entitled, as of right, to a place in a particular school. It also invariably impacts negatively on the school or schools to which these pupils should rightly attend and in which considerable capital investment has been made for this purpose. It is a matter for all school authorities, in the context of their enrolment policies, to limit enrolment to within their catchment areas to ensure that such situations do not arise. A school authority may offer places to pupils from outside the catchment area only if it does not have negative repercussions for additional accommodation and or transport costs.

However, where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under section 29 of the Education Act 1998 to appeal that decision to the Secretary General of my Department.

Section 29 of the Education Act 1998 provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. An appeal will generally not be admitted unless it is made within 42 calendar days from the date the decision of the board of management was notified to the parent or student concerned. However, a longer period for making appeals may be allowed as an exception where it is accepted that circumstances did not permit the making of an appeal within the 42-day limit.

Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

Pupil-Teacher Ratio.

134. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the timetable for meeting the commitment on class sizes given in An Agreed Programme for Government within the lifetime of this administration; if she will put in place the steps needed to ensure the recruitment of the additional teachers and the provision of the extra classrooms required; and if she will make a statement on the matter. [19667/05]

768. **Mr. Naughten** asked the Minister for Education and Science the steps she is taking to deliver on the commitment in the programme for Government to introduce class sizes of 20 pupils to one teacher; and if she will make a statement on the matter. [19790/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 134 and 768 together.

[Ms Hanafin.]

Significant improvements have been made in the pupil teacher ratio and in average class size in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil teacher ratio, which includes all the teachers including resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in 2003-04. Over 4,000 additional teachers have been employed in our primary schools since 1997. In allocating teaching posts regard has been had to the commitments of the Government to reduce class size, tackle educational disadvantage and to provide additional resources for pupils with special educational needs. The additional teaching posts created since 1997 have been deployed to address all of these priorities.

The Deputies will be aware that a review of the allocation system of teaching support for pupils with special educational needs was recently completed. Arising from that review a new model has been introduced to replace that which was notified to schools in June 2004. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. The new system will greatly benefit schools and the children in schools that need additional support.

The Deputies will also be aware of the new action plan for educational inclusion, DEIS — Delivering Equality of Opportunity in Schools — which I launched recently. This action plan will result in reduced class sizes in schools serving the most disadvantaged communities to 24:1 at senior level and 20:1 at junior level. In line with Government policy, my Department will continue to provide further reductions in the pupil teacher ratio, with priority given to pupils with special needs, those from disadvantaged areas and those in junior classes.

Each year my Department decides on the number of places to be provided on the teacher training programmes, both in respect of school leavers and post graduate applicants, in the colleges of education having regard to the projected demand for qualified primary teachers. This process will continue in the future.

Any requirement for additional accommodation arising from the creation of additional teaching posts will be considered in the context of the school building and modernisation programme.

Residential Institutions Redress Scheme.

135. **Mr. O'Shea** asked the Minister for Education and Science if she has finalised the institutions to be added to the list under the Residen-

tial Institutions Redress Act 2002; and if she will make a statement on the matter. [19670/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 enables additional institutions, in which children were placed and resident and in respect of which a public body had a regulatory or inspection function, to be added to the Schedule to the Act.

Since the enactment of the legislation, my Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. Accordingly, consultations have taken place between my Department and other Departments which may have provided a regulatory function in the operation of these facilities in order to ascertain the case for their inclusion under the Act.

On 9 November 2004, I signed an order which provided for the inclusion of 13 additional institutions in the Schedule.

Further consultations are taking place in relation to a number of institutions and the position in relation to these institutions will be considered shortly.

Mobile Phone Use.

136. **Mr. P. Breen** asked the Minister for Education and Science if her Department will bring forward a policy on the use of mobile phones in schools; and if she will make a statement on the matter. [19725/05]

Minister for Education and Science (Ms Hanafin): In accordance with the Education Act 1998, individual school authorities are responsible for the day-to-day running of schools. It is a matter for each school authority to establish rules on what is and is not acceptable for students to do while on the school premises, provided that those rules are lawful, fair and reasonable.

The National Centre for Technology in Education, in its advice sheet for schools on mobile phones, recommends that the management of mobile phone use by students should be incorporated into the school's ICT plan and acceptable use policy.

Question No. 137 answered with Question No. 89.

Education Welfare Service.

138. **Mr. Broughan** asked the Minister for Education and Science if her attention has been drawn to the concern expressed at the launch of the National Education Welfare Board's first strategic plan that the development of the board's work had been inhibited by a lack of funding; the steps being taken to provide the board with the resources to discharge all its duties, including the appointment of education welfare officers in all

counties; and if she will make a statement on the matter. [19656/05]

Minister for Education and Science (Ms Hanafin): The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education. The priority I attach to supporting the NEWB in delivering on this goal is evident from the fact that the budget allocated to the NEWB for 2005 is up by 20% on the 2004 allocation to nearly €8 million.

To discharge its responsibilities, the board is developing a nationwide service accessible to schools, parents-guardians and others concerned with the welfare of young people. For this purpose, educational welfare officers or EWOs are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and to discharge the board's functions locally.

The service is developing on a continuing basis and the board received sanction in late 2004 from my Department to recruit an additional ten educational welfare officers. This brings its total authorised staffing complement to 94, comprising 16 headquarters and support staff, five regional managers, 11 senior educational welfare officers and 62 educational welfare officers. These additional posts will ensure that every county will have an educational welfare service. I understand the board is in the process of filling 13 positions arising from the current recruitment process, including one senior educational welfare officer post and 12 educational welfare officer posts. The intention of the board is to have the positions filled prior to the commencement of the next school year.

To date, the board has focused the resources available to it on providing a service to the most disadvantaged areas and most at risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Some 13 towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them.

The board issued an information leaflet to 330,000 families and 4,000 schools in March 2004. The leaflet targeted parents and guardians of children aged between six and 16 years of age and young people aged 16 and 17 who have left school early to start work. It outlined the role parents

and guardians play in ensuring that their children do not miss out on education and training and also gave information about the National Educational Welfare Board. In addition, the board launched a new lo-call telephone number to inform parents and guardians about their legal role and responsibilities under the Education (Welfare) Act 2000.

Guidelines were issued by the NEWB to all primary and second level schools in January of this year on reporting student absences. The guidelines provide step-by-step advice on how and when school attendance returns should be made and on how a new website established by the NEWB can be used by schools to comply with their legal obligations to report student absences to the board.

The NEWB collated the first hard data on school attendance nationally during the summer of 2004. The data revealed the level of non-school attendance in Ireland for the first time. Two core themes were immediately apparent from the data, namely, that absenteeism is prevalent throughout the country and it is significantly worse in disadvantaged areas. Under the terms of the Education (Welfare) Act 2000, one of the functions of the board is to conduct and commission research into the reasons for non-attendance on the part of students and into the strategies and programmes designed to prevent it. The board is in the process of establishing two research projects in 2005, one of which will focus on an analysis of student absenteeism returns.

The first assessments of children being educated in places other than in recognised schools, for example, the home, have been carried out by authorised persons specially trained for the work. By the end of March 2005, 40 children had been registered as being in receipt of a "certain minimum education". Assessments have also taken place in a number of independent schools and these children will also be registered. I understand the board issued the first school attendance notices or SANs to parents in March 2005. SANs are legal notices requiring the parent to send the child to a named school for a specified period of time. They are the first step in taking legal action against parents who have failed over time to cooperate with educational welfare officers to ensure that their children attend school and where the board considers that parents could do more to uphold their children's right to an education.

I will keep the issue of the NEWB's staffing under review in the light of the roll-out of services and any further proposals the board may put to me on clearly identified priority needs.

Student Population Increase.

139. **Mr. Penrose** asked the Minister for Education and Science the provisions she is putting in place to cater for the projected increase in the student population in the years ahead; if she will

[Mr. Penrose.]
publish the report prepared by her officials on this subject; and if she will make a statement on the matter. [19672/05]

Minister for Education and Science (Ms Hanafin): My Department takes account of projected changes in population when identifying requirements for future educational provision. It is my intention to make the latest projections publicly available shortly.

Special Educational Needs.

140. **Mr. Costello** asked the Minister for Education and Science her plans to try to relocate almost 70 special needs assistants with a view to retaining their experience within the educational sector in regard to the decision to dispense with the services of same from summer 2005; and if she will make a statement on the matter. [19657/05]

Minister for Education and Science (Ms Hanafin): Special needs assistants or SNAs are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. There has been no change to the criteria or guidelines for allocating SNA support to schools and I further confirm that there are no plans to review the criteria or guidelines under which SNA support is allocated. Applications for SNA support are now dealt with by the National Council for Special Education which processes all applications for support from schools and communicates the decisions directly to the schools.

However, to ensure that resources are used in the most effective manner, a review has been conducted in recent months to establish whether primary schools have the level of SNA support they need for children in their care, whether they have resources they no longer need or whether they need extra resources. The review has found that some schools no longer have the care needs for which the SNA was originally sanctioned, that is, in some cases the child may have left the school, while in other cases the care needs of the child have diminished as the child has progressed through the school. In this regard, the schools where surplus SNA support was identified have been advised that they may retain this surplus until the end of the current school year.

My Department is engaged in discussions with the trade union representing SNAs, under the auspices of the Labour Relations Commission, on a number of issues relating to the employment of SNAs, including the matters raised by the Deputy. In the circumstances it would not be appropriate for me to comment specifically on any of these matters. It has always been the case that where the care needs of a child no longer justify SNA support, that support should no longer have been available to the school.

The Deputy will be aware that this Government has put in place an unprecedented level of

support for children with special needs. Since 1998 the number of SNAs has increased from under 300 to nearly 6,000 nationally. In addition, more effective systems, such as the establishment of the National Council for Special Education, have been put in place to ensure that children get support as early as possible.

Languages Programme.

141. **Mr. S. Ryan** asked the Minister for Education and Science if her attention has been drawn to the call made by the Irish language commissioner, Mr. Sean O Cuirreáin, for a review of Irish language education in primary and secondary schools; her response to this call; and if she will make a statement on the matter. [19678/05]

Minister for Education and Science (Ms Hanafin): The recent report of the Irish Language Commissioner highlighted the fact that despite appreciable time devoted to Irish in the school system many students emerge from primary and post-primary education without achieving a reasonable command of the language. Particular concerns were raised about students' command of the spoken language. While I accept that the standard of oral Irish in particular of many of our young people is not as it should be, it is important to note that significant efforts have been made by my Department in recent years to improve standards in the teaching and learning of Irish in our schools.

The revised Irish language programme at primary level places a strong emphasis on oral Irish. This programme, which has been implemented in all schools since September 2003 and which is supported by extensive in-service training by the primary curriculum support programme, should bring significant improvement to the standard of spoken Irish over time. This development at primary level complemented similar curricular changes at second level where syllabus reform is ongoing.

Significant improvements are being made in terms of the provision of materials and resources for the teaching of Irish. An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta has been established to progress this area and to provide support services for schools. Funding has been provided to An Chomhairle to support this task and I know this is an area that will need further work. Evaluations by my Department's inspectorate of the teaching and learning of Irish in our schools provide useful analysis to underpin future policy making in this area.

The inspectorate in its 2002 publication, "50 School Reports — What Inspectors Say", has reported that the teaching of Irish is good in the majority of primary schools with the strongest aspects being the teaching of reading, poetry and writing. However, oral language attainment is generally poor despite considerable time being devoted to this aspect of Irish. This resonates

with a view expressed by the Coimisinéir Teanga that insufficient attention is given to the use of Irish as a medium of communication in lessons taught. The Coimisinéir Teanga has pointed to other issues which I will consider in the context of developing ongoing policy responses.

At post-primary level, subject inspection reports indicate that inspectors regularly observe a good standard in the teaching and learning of Irish and that students demonstrate a good knowledge of texts being studied. However, there is concern that Irish is not used as the language of instruction in many classes, that Irish is taught through English in a significant number of classrooms and that the level of exemptions from Irish is too high.

My Department is currently engaged in a number of evaluation activities relating to the teaching and learning of Irish. These include a focused evaluation of Irish in 45 primary schools and an evaluation of the teaching and learning of Irish in the junior cycle in 75 post-primary schools. Both of these evaluations will be completed in 2005 and reports will be published subsequently. A report on standards of Irish in sixth class in primary schools is being prepared by Dr. John Harris and will be finalised later in 2005. This report will look at changes in pupil achievement levels between the years 1985 and 2003.

Also, at the request of my Department the National Council for Curriculum and Assessment or NCCA is carrying out a review of languages in the post-primary curriculum. This will include Irish. I am confident the reports will both inform us of good practice within the system and point to areas requiring improvement.

The inspectorate of my Department, on foot of a major review of Irish language policies carried out in the Department last year, has recently prepared an internal report for policy discussion regarding areas where further improvements could be made. The Coimisinéir Teanga, along with other interest groups, contributed to that process. It is important to note that the issue of promoting the Irish language is not one that can be advanced by schools alone. Societal attitudes to the Irish language certainly impact on students' desire to learn it.

This Government has demonstrated a clear commitment to promoting our national language. It is hoped the continuing initiatives in education, along with the increased emphasis on the use of Irish in the Official Languages Act, will in time create a positive climate whereby students will realise the value of learning our native language and, as a consequence, language competence will prosper.

Question No. 142 answered with Question No. 102.

Education Places.

143. **Mr. Kenny** asked the Minister for Edu-

cation and Science the number of further education places to be agreed for the 2005-2006 academic year; and if she will make a statement on the matter. [19727/05]

Minister for Education and Science (Ms Hanafin): The full-time programmes within the further education sector that are funded by my Department and managed and delivered by the vocational education committees are Youthreach, senior Traveller training programmes, the vocational training opportunities scheme and post-leaving certificate courses. In excess of 39,000 places will be provided on these programmes in 2005-06. This comprises in the region of 30,000 places on post-leaving certificate programmes, 5,000 places on the vocational training opportunities scheme, over 3,200 places on the Youthreach programme and almost 1,100 places on senior Traveller training programmes. In addition, 7,000 places will be available for part-time further and adult education options under the Back to Education initiative, catering for over 15,000 adults. Grants are provided to VECs for adult literacy and community education. The adult literacy programme caters for approximately 30,000 participants per annum.

Question No. 144 answered with Question No. 127.

Research Funding.

145. **Mr. Gormley** asked the Minister for Education and Science the plans in place to invest in strategic research and development at third level to help ensure that Ireland has security of energy production in all forms by 2012 as oil production begins to peak, prices start to rise sharply and economic systems come under strain (details supplied). [19763/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the policy issues associated with renewable energy sources are matters for my colleague, the Minister for Communications, Marine and Natural Resources. A dedicated agency, Sustainable Energy Ireland or SEI was established under the aegis of his Department for the purpose of addressing these issues, including the commissioning of appropriate research.

However, my Department, through the programme for research in third level institutions or PRTLTI has provided for the establishment of a number of centres which, *inter alia*, conduct research in this area. These include the Environment Research Institute in University College Cork, the Urban Institute in University College Dublin and the Environmental Change Institute in University College Galway. In addition, both the institutes of technology and the Irish Research Council for Science, Engineering and Technology may, from time to time, commission

[Ms Hanafin.]

individual researchers to undertake projects on the issue identified by the Deputy.

As regards investment in research, a team of international experts recently undertook an impact assessment on PRTLI. It noted the positive impact of the programme on higher education institutions and the valuable contribution it made to the national research effort. The Higher Education Authority is currently engaged in a series of consultations with stakeholders on the development of a successor programme.

Special Educational Needs.

146. **Mr. Durkan** asked the Minister for Education and Science if her attention has been drawn to the concerns of parents, teachers and school management authorities at the prospect of proposed changes in the allocation of special needs teaching assistants at various schools throughout the country; if her attention has been drawn to the need to retain in full and enhance the availability of teaching assistants to an even greater degree with particular reference to areas of social or economic deprivation; if she will give an undertaking that no school will be detrimentally affected by any such changes; and if she will make a statement on the matter. [19774/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, a new scheme for allocating resource teachers to schools to cater for the needs of children with high-incidence special needs and learning support needs was announced last month. The reason for the new scheme is simple. Children with special needs, such as dyslexia or mild learning difficulties, are found in almost every school. It makes sense then that every school should have a number of resource teaching hours based on the number of pupils in the school.

This is a major improvement on the previous system under which children with high incidence special needs required a psychological assessment before they were given resource teaching hours by the Department. This was a time-consuming process that often led to delays in children getting the support they needed. Resource teachers will now be in place in the school from the start of the school year so that children who need their assistance can get it straight away.

Under the new arrangement disadvantaged schools, boys schools and mixed schools get extra resources, as research shows that pupils in these schools are more likely to have learning difficulties. To ensure that every school has enough resource teaching hours to meet the needs of its pupils, an extra 660 resource teaching posts are being put in place for next September. Some 340 of these are permanent posts and 320 are temporary posts being provided to ensure that children who had been given an individual allocation of

resource teaching hours by my Department will keep these in situations where the general allocation to the school would not be sufficient to allow the school to provide these hours from within its general allocation. The provision of these temporary posts will ensure that no child who has been allocated a specific number of hours with a resource teacher by my Department will lose these under these new arrangements.

The majority of schools are gaining resource teaching hours under the new scheme. Addressing the concerns of small and rural schools was, as the Deputy will be aware, the reason I initiated a review of the original general allocation model which had been announced last year to come into effect in the 2005-06 school year. Following this review, a special improved ratio for small schools has been introduced to ensure that they are given resource teaching hours on a more favourable basis.

Despite misleading claims to the contrary, the new scheme does not prevent schools from giving one-to-one time with a resource teacher to any child who needs such support. Rather, it ensures that each school has enough resources to ensure that each child gets a level of support appropriate to their individual needs. The school can then use its professional judgment to decide how these hours are divided between different children in the school to ensure that all their needs are met.

Research shows that some children with special needs will respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up on work done by the rest of the class in their absence. The point is that the type of response needed depends on the child. While the new scheme will not prevent schools from giving one-to-one time with the resource teacher to children that need it, it is important to note that one-to-one teaching is not the best option for every child.

I am grateful to the Minister for Finance for providing me with the resources to ensure that the new system could be put in place. As of next September there will be more than 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. One out of every five primary school teachers is now working specifically with children with special needs.

The Government and I, as Minister for Education and Science, are deeply committed to improving services for children with special needs. In addition to the massive increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

Question No. 147 answered with Question No. 64.

Question No. 148 answered with Question No. 119.

Question No. 149 answered with Question No. 91.

Population Figures.

150. **Mr. Bruton** asked the Taoiseach the population in each of the 18 Dublin Garda districts at the last census. [18945/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The information requested by the Deputy is contained in the following table:

Population of Garda Districts in the Dublin area, Census 2002.

	Garda District	Population 2002
1000F	Pearse Street	17,972
1070G	Kevin Street	42,505
1200K	Donnybrook	42,262
1300E	Crumlin	59,513
1372B	Tallaght	128,412
1470B	Terenure	55,273
1500H	Santry	55,595
1530L	Coolock	110,594
1570K	Raheny	86,504
1700M	Blanchardstown	116,099
1710H	Lucan	69,292
1721C	Clondalkin	68,190
1800G	Store Street	12,485
1830K	Fitzgibbon Street	37,626
1870H	Bridewell County Dublin	23,033
1900C	Dún Laoghaire	72,169
1930E	Bray	68,658
1970D	Blackrock County Dublin	83,499
Total Dublin area		1,149,681

Tribunals of Inquiry.

151. **Mr. McGuinness** asked the Taoiseach the costs paid from Exchequer funds to 31 December 2004 of all commissions, inquiries and tribunals commenced since 1995 by his Department; the title of the commission, inquiry and tribunal; the estimated date of completion of same; the estimated final cost of each commission, inquiry and tribunal; and if he will make a statement on the matter. [18946/05]

The Taoiseach: Costs relating to the McCracken Tribunal, Dunnes payments, the Moriarty Tribunal, payments to Messrs. Haughey and Lowry, and the Independent Commission of Inquiry have been made from Exchequer funds by my Department in the period to which the Deputy refers. The total cost to 31 December 2004 for each is given in the following table:

	Year of Appointment	Expenditure to 31 December 2004	Estimated Date of Completion
		€	
McCracken Tribunal	1997	6,655,332	Completed
Moriarty Tribunal	1997	18,643,249	January 2006
Independent Commission of Inquiry	2000	3,063,145	June 2005

The McCracken Tribunal, Dunnes payments, was completed in 1997. The Moriarty Tribunal is expected to be completed by 11 January 2006. The estimated costs for the tribunal for 2005 amounts to €10.552 million, giving total expected costs to the end of 2005 of €29.195 million. However, €6.5 million of this estimate is to cover costs, such as report publication and some element of award of legal costs in the event that

the tribunal completes its work in 2005. As regards estimated future liabilities for costs, it is impossible to predict what costs may be awarded and to whom by the sole member of the tribunal.

The Independent Commission of Inquiry is expected to conclude in June 2005. An allocation of €257,000 has been included in the 2005 Estimates to cover the work of the commission bringing final costs to the end of 2005 of €3,320,145.

Decentralisation Programme.

152. **Mr. Durkan** asked the Taoiseach 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. [18947/05]

The Taoiseach: Some 42 staff from my Department have applied through the central applications facility to relocate under the Government's decentralisation programme. The breakdown by county is outlined in the following table:

County	Number of applicants
Louth	4
Galway	3
Waterford	1
Wicklow	1
Meath	2
Kerry	2
Sligo	3
Leitrim	1
Kildare	6
Clare	1
Donegal	6
Limerick	1
Mayo	3
Tipperary	3
Offaly	2
Cork	2
Dublin	1

While none of the staff from my Department has relocated as yet, the process of relocation has commenced and my Department is currently involved in transfer arrangements with other Departments on behalf of a number of our staff.

Official Travel.

153. **Mr. Allen** asked the Taoiseach the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19184/05]

The Taoiseach: I travelled to the United States of America on 15 March for St. Patrick's Day, returning on 18 March. My programme included visits to Syracuse, New York, Baltimore and Washington. I was accompanied by the second Secretary General of my Department, the director of the Northern Ireland division, the Government Press Secretary, special adviser, private secretary, personal assistant and security officer. The Minister for Foreign Affairs travelled separately to the US and joined me in Washington. He accompanied me on the return journey. The cost arising to my Department for the visit has not yet been finalised. It currently stands at €27,549.

Helpline Service.

154. **Mr. N. O'Keeffe** asked the Tánaiste and Minister for Health and Children if a grant of €30,000 will be approved in respect of a helpline service (details supplied) in County Cork. [19223/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

EU Directives.

155. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if recommendation 1117 (1989) of the Parliamentary Assembly of the Council of Europe has been implemented; if not, the steps which are being taken to implement it; and if she will make a statement on the matter. [19267/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Minister for Foreign Affairs may also have a contribution to make on this matter.

I understand that recommendation 1117 (1989) of the Parliamentary Assembly of the Council of Europe was made to the Committee of Ministers and not to the member states. I understand also that the Committee of Ministers did not adopt the recommendation directly, but did consider it important that member states keep the need for appropriate legal measures under review. The Committee of Ministers also noted with satisfaction that the European Committee on Legal Co-operation has referred this matter to the Committee of Experts on Family Law to allow for the substantive issue to be studied in detail.

Intellectual Disability Services.

156. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children when the funding package submitted for approval from the indicative funding available to the intellectual disability services in the south east will be approved; and if she will make a statement on the matter. [18970/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

157. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a plastic surgery operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18971/05]

158. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for cardiac surgery under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18972/05]

159. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a prostate operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18973/05]

160. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a tonsils operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18974/05]

161. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a cataracts operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18975/05]

162. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a varicose veins operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18976/05]

163. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a hernia operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18977/05]

164. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a gall bladder operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18978/05]

167. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a hip operation under the national treatment purchase fund when compared to the cost of the operation under the standard Health Service Executive route. [18981/05]

168. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the average cost for a knee operation under the national treatment purchase fund when compared to the cost of the

operation under the standard Health Service Executive route. [18982/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 157 to 164, inclusive, and Questions Nos. 167 and 168 together.

My Department does not maintain data on the average cost of the specific operations arranged by the national treatment purchase fund or NTPF. My Department has, therefore, asked the chief executive of the NTPF to reply directly to the Deputy with regard to the specific information requested.

Health Services.

165. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the maximum assistance and support will be given to a person (details supplied) in Dublin 5 in relation to orthodontic treatment. [18979/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

National Treatment Purchase Fund.

166. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the annual budget for the national treatment purchase fund since it was established in 2002; the number of persons treated per HSE region; the number of persons who had to travel to the UK for treatment; the cost of the travel expenses for persons; and the average waiting time reduction for adult and child patients for each category of operation as covered by the scheme. [18980/05]

Tánaiste and Minister for Health and Children (Ms Harney): The funding allocated to the national treatment purchase fund since it was established in 2002 is as follows:

Year	Funding
	€ million
2002	5.012
2003	30.057
2004	44.000
2005	64.000

My Department has asked the chief executive of the NTPF to reply directly to the Deputy in relation to the other information requested.

Questions Nos. 167 and 168 answered with Question No. 157.

Care of the Elderly.

169. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if capital funding will be provided for a proposed day care project for the elderly (details supplied) in County Wexford; and if she will make a statement on the matter. [18988/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

170. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children her plans to re-examine the grant available through subvention for nursing homes in view of the serious increase in energy and other running costs of the nursing homes, which are now being passed on to individuals and families; if she has satisfied herself that the present rate of subvention is sufficient; and if she will make a statement on the matter. [18999/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health (Nursing Homes) Act 1990 allows for the payment of a subvention towards the cost of nursing home care based on medical and means assessments. The process used in determining a person's eligibility for subvention is set out in the Nursing Homes (Subvention) Regulations 1993.

As the Deputy will be aware, the placing of a person in a private nursing home is a private matter between the person or his or her representatives and the nursing home proprietor, as are the fees charged by a nursing home. The subvention scheme was introduced to assist with the cost of private nursing home care and it was never intended that a subvention payment would meet the full costs of private nursing home care.

The Government is conscious of the changing demographic profile of our population, with more people living longer lives and the consequential greater demand for services, both community based and residential. The Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined issues surrounding the financing of long-term care. Following on the publication of this report, a working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established.

The objective of this group is to identify the policy options for a financially sustainable system of long-term care, taking account of the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Professor Eamon O'Shea. This group has been requested to report to both the Tánaiste and Minister for Social and Family Affairs by mid-2005.

Genetically Modified Organisms.

171. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children the procedures in place to test imported foodstuffs for genetically modified content. [19020/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Food Safety Authority of Ireland or FSAI is the competent authority in Ireland for the enforcement of EU legislation regarding genetically modified or GM foods. The FSAI carries out checks of the marketplace for compliance with the GM legislation. Under EU rules, only authorised GM foods or foods containing ingredients thereof can be placed on the market. New legislation which came into force in 2004 stipulates that persons wishing to place GM foods on the market must provide material and information to enable testing for specific GMOs or genetically modified organisms before they may be authorised for marketing.

The FSAI has carried out a number of surveys of the food supply chain in recent years and has employed both the State Laboratory as well as a private laboratory to carry out testing of the genetic material or DNA in a range of foods using a technique called polymerase chain reaction or PCR. One of the uses of this highly sensitive technique is to allow for the testing for the presence and sometimes the amount of a genetically modified organism or GMO present in a food. The EU Joint Research Centre, based in Ispra in Italy, has undertaken to standardise how GMOs and derived food and feed are tested using PCR and a number of tests have already been developed.

The FSAI has recently published a report on its surveillance of foods carrying GM free labels. This type of label had been identified as a potential problem in previous surveys. The results show that a small number of products with GM free labels contained low levels of GM ingredients. The FSAI is following up on this matter with the companies concerned. In addition, a number of foods with GM free labels had no ingredients that could be from a GM source, which meant that such labels in those cases were merely a marketing tool rather than for consumer information.

General Medical Services Scheme.

172. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if certain anti-sickness drugs used by cancer patients including a medication (details supplied) have been removed

from cover under the GMS system; the reason this change has been made; and her assessment of the impact on patients for whom this medication has been recommended. [19021/05]

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, including the general medical services, other community drug schemes, the Health Service Executive and hospitals. One of the conditions of the agreement is that the price to the wholesaler of each item of medicine covered by the agreement may not be increased for the term of the agreement.

The manufacturer 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.

173. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has issued instructions in regard to the provision of extra beds in Naas General Hospital; and if she will make a statement on the matter. [19022/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf,

health and personal social services. This includes responsibility for the provision of services at Naas General Hospital. My Department has not issued instructions to the HSE in relation to the provision of extra beds at the hospital.

Medical Cards.

174. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Meath; and if she will make a statement on the matter. [19023/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

175. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a nursing home subvention or home help will be awarded to a person (details supplied) in County Meath; and if she will make a statement on the matter. [19024/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

176. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the current entitlement a 14 year old medical card holder has in terms of orthodontic treatment; if it is the policy of her Department not to treat medical card holders in the area of orthodontics if they have extra teeth that need to be removed in order for orthodontics work to be carried out; and if she will make a statement on the matter. [19025/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

177. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that if a person's income exceeds the non-contributory old age pension by a margin of 20% plus the current maximum subvention level of €190, he or she is deemed too wealthy to qualify for even €1 of support towards the cost of private nursing home care and cannot apply for the hardship provision under which enhanced subvention can be paid; and the way in which this income ceiling compares to the current estimate of the average cost of private nursing home care. [19042/05]

178. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children when the three different levels of maximum nursing home subvention were first set; her estimate of the inflation in the cost of private nursing home care in the intervening period; and the present value of these subvention levels had they been indexed in line with rising costs. [19043/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 177 and 178 together.

The Nursing Home (Subvention) Regulations came into effect in 1993, at which time the rates of subvention were £70, £95 and £120 per week for medium, high and maximum dependency, respectively. The current three rates of subvention payable are €114.30, €152.40 and €190.50, which came into effect in April 2001. It should be noted that the nursing home subvention scheme was introduced to financially assist those in private nursing home care and was never intended to cover the entire cost.

The HSE may pay more than the maximum rate of subvention relative to an individual's level of dependency in a case, for example, where personal funds are exhausted. The application of the scheme in an individual case is a matter for the HSE in the context of meeting increasing demands for subvention, subject to the provisions of the Health Act 2004. The average rate of subvention paid by the HSE generally exceeds the current approved basic rates.

The Government is conscious of the changing demographic profile of our population, with more people living longer lives and the consequential greater demand for services, both community based and residential. The Mercer report on the future financing of long-term care in Ireland, which was commissioned by the Department of Social and Family Affairs, examined issues surrounding the financing of long-term care. Following on the publication of this report, a working group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established.

The objective of this group is to identify the policy options for a financially sustainable system

of long-term care, taking account of the Mercer report, the views of the consultation that was undertaken on that report and the review of the nursing home subvention scheme by Professor Eamon O'Shea. This group has been requested to report to both the Tánaiste and Minister for Social and Family Affairs by mid-2005.

Question No. 179 withdrawn.

Hospital Charges.

180. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the status of the refund of the hospital charge for a person (details supplied) in County Wexford; when payment will be made further to Parliamentary Question No. 180 of 26 January 2005; and if she will make a statement on the matter. [19061/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive, HSE, and I understand that the HSE replied to the Deputy on 31 January 2005 on this matter. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated further and to have a reply issued directly to the Deputy.

Health Services.

181. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the reason the Health Service Executive has not replied to Parliamentary Question No. 203 of 12 April 2005; and if she will make a statement on the matter. [19065/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Promotion.

182. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children, further to current media and television adverts on the benefits of folic acid by the health promotion unit of her Department, the way in which a person can make a submission or offer an opinion on the issue to the health promotion unit in writing or by telephone; and if she will make a statement on the matter. [19078/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The national committee on folic acid food fortification, whose secretariat is provided by the Food Safety Authority of Ireland, FSAI, is tasked with reviewing options

for the fortification of foods with folic acid in view of the relatively high level of neural tube defects, NTDs, in Ireland. In carrying out this work the committee will address the broader issues that would be involved in the event that it is decided to proceed with fortification with folic acid, including the technical issues regarding fortification, addressing risk and examining other reported health benefits that are linked to fortification.

The FSAI has initiated a public consultation process and members of the public who wish to comment on these issues should access the relevant website for details on how to make a submission; alternatively, they can contact the FSAI by telephone, 1890 33 66 77. It should be noted that the latest date for the receipt of submissions is 24 June next.

Psychological Service.

183. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children when she will provide the necessary finance for the appointment of a psychologist for County Carlow in view of the proposed autism centre in Myshall, County Carlow; and if she will make a statement on the matter. [19089/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's

question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Statistics.

184. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of patients admitted to each psychiatric admission unit nationally between 2000 and 2005 on a yearly basis; and if she will make a statement on the matter. [19122/05]

185. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the percentage of involuntary patients admitted to each psychiatric admission unit nationally between 2000 and 2005 on a yearly basis; and if she will make a statement on the matter. [19123/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 184 and 185 together.

The number of patients admitted to each psychiatric admission unit nationally together with the percentage of involuntary admissions to such units as requested by the Deputy from 2000 to 2003 are as follows:

Health Board Hospitals	2000	% Invol	2001	% Invol	2002	% Invol	2003	% Invol
Cluain Mhuire Family Centre	396	12.6	423	13.7	387	15.0	438	13.2
Newcastle Hospital, Greystones	568	9.9	596	12.1	487	9.2	562	6.9
Vergemount Clinic, Clonskeagh	455	5.9	346	6.6	333	10.8	269	11.5
St. Brendan's Hospital, Dublin	874	13.7	700	17.6	618	15.4	589	18.7
St. Ita's Hospital, Portrane	1,071	6.6	997	6.7	921	6.7	1,026	7.5
St. Vincent's Hospital, Fairview	692	16.5	720	19.3	653	17.2	570	19.5
St. Loman's Hospital, Dublin	56	0	42	0	74	2.7	81	0
St. Fintan's Hospital, Portlaoise	729	2.7	768	5.5	690	4.6	689	6.1
St. Loman's Hospital, Mullingar	804	14.3	844	12.7	727	10.7	646	10.4
Our Lady's Hospital, Ennis	507	11.2	481	13.3	1	0		
St. Joseph's Hospital, Limerick	94	23.4	91	24.2	82	14.6	85	30.6
St. Brigid's Hospital, Ardee	456	9.6	421	7.8	441	12.7	472	8.1
St. Davnet's Hospital, Monaghan	66	18.2	68	19.1	59	20.3	76	27.6
Mental Health Service, Sligo	575	14.3	689	11.8	529	12.3	470	14.9
St. Conal's Hospital, Letterkenny	37	24.3	18	61.1	11	18.2	25	16.0
St. Canice's Hospital, Kilkenny	492	9.8	411	8.8	417	8.2	75	9.3
St. Dymphna's Hospital, Carlow	311	5.1	294	7.1	290	5.2	60	0
St. Luke's Hospital, Clonmel	175	33.7	124	16.1	205	23.9	154	19.5
St. Otteran's Hospital, Waterford	49	20.4	48	8.3	29	24.1	36	16.7
St. Senan's Hospital, Enniscorthy	535	10.8	562	9.6	616	10.4	728	6.5
Our Lady's Hospital, Cork	365	35.3	213	53.1				
Carraig Mór					204	53.9	184	48.4
St. Finan's Hospital, Killarney	57	49.1	52	63.5	57	61.4	43	58.1
St. Stephen's Hospital, Cork	513	5.7	346	6.9	362	6.9	359	7.2
St. Brigid's Hospital, Ballinasloe	689	17.6	739	15.8	825	15.5	613	16.8
St. Mary's Hospital, Castlebar	633	10.1	666	11.7	614	15.0	450	9.6

Health Board Hospitals	2000	% Invol	2001	% Invol	2002	% Invol	2003	% Invol
<i>General Hospital Psychiatric Units</i>								
St. Vincent's Hospital, Elm Park	370	3.0	285	1.8	169	3.0	203	4.9
James Connolly Memorial Hospital			225	5.3			262	5.3
Mater Misericordiae Hospital	97	8.2	223	12.6	167	8.4	189	11.6
Naas General Hospital	578	7.1	593	8.3	531	10.2	584	7.5
St. James's Hospital, Dublin	243	0	301	0	556	9.2	507	7.3
Tallaght Hospital, Dublin	642	11.8	657	13.2	626	13.4	495	17.2
Ennis General Hospital			59	28.8	520	14.2	540	14.6
Regional Hospital, Limerick	785	11.2	776	13.4	732	16.3	643	17.7
Cavan General Hospital	158	12.0	136	24.3	134	17.9	132	21.2
Our Lady's Hospital, Navan	283	15.9	309	12.9	278	10.8	271	12.9
Letterkenny General Hospital	820	12.3	931	12.1	798	13.4	698	11.3
St. Joseph's Hospital, Clonmel	1,083	8.5	1,118	8.9	894	13.8	797	9.8
Waterford Regional Hospital	753	9.2	736	7.5	773	7.2	718	7.2
St. Luke's Hospital, Kilkenny							469	4.7
Bantry General Hospital	349	6.3	276	8.3	265	9.1	273	8.4
Cork University Hospital	683	22.3	649	22.0	616	23.5	627	16.7
Mercy Hospital, Cork	662	12.5	938	5.9	898	10.7	836	11.1
Tralee General Hospital	819	8.1	837	8.6	787	14.5	802	9.5
Roscommon County Hospital	445	7.4	457	10.7	385	11.2	384	10.9
University College Hospital, Galway	755	8.6	836	7.9	637	14.8	639	9.9
Mayo General Hospital							34	26.5
<i>Private Hospitals</i>								
Bloomfield Hospital, Dublin	21	0	11	9.1	17	0	11	0
Hampstead & Highfield Hospital	76	0	66	0	33	0	64	0
Kylemore Clinic, Dublin	15	0	11	0	3	0	4	0
Palmerstown View, Dublin	5	0	1	0	3	0	1	0
St. John of God Hospital, Dublin	1,085	3.6	1,094	5.2	1,307	4.6	1,287	3.5
St. Patrick's Hospital, Dublin	2,172	2.7	2,128	3.3	2,809	2.4	2,722	2.6
Total	24,098		24,312		23,570		22,892	

Source: Health Research Board.

Statistics for 2004 and 2005 are not available at this time.

Substantial progress has also been made in recent years in ensuring that those in need of mental health services receive care and treatment in the most appropriate setting. It is the intention to continue to accelerate the growth in alternatives to hospitalisation with the further development of community-based services throughout the country.

Hospital Waiting Lists.

186. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the extent of hospital waiting lists for patients throughout the country; and if she will make a statement on the matter. [19124/05]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the collection and reporting of waiting lists and waiting times now falls within the remit of the national treatment purchase fund, NTPF. A new on-line national patient treatment register is being developed by the fund. The new patient treatment register will allow for more accurate identification of waiting lists, and more importantly

waiting times. It is intended that the register will be implemented on a phased basis during 2005.

Up to the end of May 2005 some 30,000 patients have had treatment arranged for them. It is now the case that, in most instances, anyone waiting more than three months will be facilitated by the fund.

Cancer Screening Programme.

187. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if medical card holders will have cervical smears for no charge; and if she will review the current practise where general practitioners now charge medical card holders for such smears. [19131/05]

207. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if cervical screening is free of charge for women in possession of a medical card; if this is uniform in each Health Service Executive area; and if she will make a statement on the matter. [19263/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 187 and 207 together.

Cervical smear testing is not currently provided by GPs or family planning clinics under the scheme for medical card holders. However, where cervical smears form part of recognised protocols for the ongoing treatment of individual patient illnesses, they should be provided free of charge to eligible women under the GMS scheme. Any necessary follow-up treatment is available to all women, including medical card holders, within the public hospital system.

I am committed to the national roll out of a cervical screening programme in line with international best practice. International evidence demonstrates the proven efficacy of programmes that are effectively managed and meet quality assurance standards. Careful planning and consultation with relevant professional and advocacy stakeholders is required in advance of a national roll out.

Water Fluoridation.

188. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when the forum on fluoridation will be wound up; and if she will make a statement on the matter. [19139/05]

190. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the annual cost to her Department of the forum on fluoridation since 2000; and if she will make a statement on the matter. [19142/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 188 and 190 together.

The forum on fluoridation was established in May 2000 and held its first meeting in September 2000. The forum on fluoridation concluded in September 2002 with the launch of the report of the forum on fluoridation.

The annual cost of the forum on fluoridation since 2000 is as follows:

Year	€
2000	16,153.70
2001	184,593.31
2002	128,383.26
2003	6,576.16
2004	90.34

Although the forum on fluoridation concluded in 2002, there were some outstanding expenses due.

189. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when legislation reducing the amount of fluoride in public water supplies will be introduced; and if she will make a statement on the matter. [19140/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, a forum on fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum report's main conclusion was

that the fluoridation of public piped water supplies should continue as a public health measure.

In all the report of the forum on fluoridation made 33 recommendations covering a broad range of topics such as research, public awareness, policy and technical aspects of fluoridation and the establishment of an expert body to oversee the implementation of the recommendations.

The Irish expert body on fluorides and health held its inaugural meeting in April 2004. The terms of reference of the expert body are: to oversee the implementation of the recommendations of the forum on fluoridation; to advise the Minister and evaluate ongoing research, including new emerging issues, on all aspects of fluoride and its delivery methods as an established health technology and as required; and to report to the Minister on matters of concern at his/her request or on its own initiative.

The expert body on fluorides and health is currently examining the regulations governing fluoridation of public piped water supplies with the aim of making proposals to me for the purposes of implementing the recommendation of the forum to reduce the level of fluoride in public piped water supplies. As part of this exercise the expert body is carrying out a census of public piped water supplies and when this work is complete the expert body will make recommendations to me in relation to the updating of the current regulations.

Question No. 190 answered with Question No. 188.

Suicide Statistics.

191. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the number of deaths by suicide of persons under 25 between 1997 and 2004 in counties Clare, Limerick, north Tipperary and nationally; and if she will make a statement on the matter. [19143/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Data on mortality compiled and published by the Central Statistics Office indicate that there were 21 deaths by suicide of persons under 25 in County Clare between 1997 and September 2004, there were 47 such deaths in Limerick city and county and there were 27 such deaths in Tipperary North Riding. Nationally, there were 858 deaths by suicide of persons under 25 in the period 1997 to September 2004. Figures for 2003 and January to September 2004 are provisional and may be subject to change.

Suicide is a serious social problem in this country and every suicide and attempted suicide is a tragic event. As the Deputy is aware, work is now well underway on the preparation of a national strategy for action on suicide prevention. This strategy, which involves the project management unit, Health Service Executive in partnership with the national suicide review group, supported

[Mr. T. O'Malley.]

by the Department of Health and Children will be action-based from the outset and will outline the priority initiatives for suicide prevention and mental health promotion across the country for the coming years. All measures aimed at reducing the number of deaths by suicide will be considered in the preparation of this strategy which will be published in September of this year.

Services for People with Disabilities.

192. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the amount made available for 2005 under the special disability multi-annual funding package; the way in which this money is to be spent; and if she will make a statement on the matter. [19147/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Government's multi-annual investment programme for services for people with disabilities provides for additional funding of €70 million revenue and €60 million capital in 2005. This funding will provide for a broad range of additional services for people with intellectual, physical and sensory disabilities, autism and those with mental illness including new residential, respite and day services enhanced multi-disciplinary support services enhanced home support services, increased funding for aids and appliances additional beds at the Central Mental Hospital further development of the child and adolescent mental health services expansion of the community mental health teams and services.

Details of the actual services to be provided from this funding are a matter for the Health Service Executive, which under the Health Act 2004, has responsibility for the management and delivery of health and personal social services.

National Lottery Funding.

193. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if her Department is in a position to make a determination regarding an application for national lottery funding by a resource centre (details supplied); and if she will make a statement on the matter. [19150/05]

Tánaiste and Minister for Health and Children (Ms Harney): The organisation referred to, which is a family resource centre, applied to my Department for a grant from the Health and Children allocation of national lottery funds in April 2004. The organisation sought funding of €6,500 towards the cost of carrying out a feasibility study to determine the development potential of the courtyard area and the building adjacent to the resource centre. As the applications for national lottery funding received in 2004 far exceeded the resources available, it was not possible to assist this organisation in 2004. The organisation was informed of this in January 2005 and advised that, if funding for this project is required in 2005, to

apply for a grant from the 2005 national lottery allocation.

My Department forwarded an application form to the organisation on 8 June 2005.

Nursing Allowances.

194. **Ms McManus** asked the Tánaiste and Minister for Health and Children the reason student nurses attending Trinity and affiliated to St. James's Hospital have not been awarded their travel allowances; and if she will make a statement on the matter. [19156/05]

Tánaiste and Minister for Health and Children (Ms Harney): The travel allowance to which the Deputy refers is the external clinical placement allowance, which was introduced to assist undergraduate nursing students undertaking external clinical placements. Nursing students on the undergraduate nursing degree programme are entitled to a refund of the cost of transport to and from the clinical placement site for the duration of the placement.

Payment of this allowance is the responsibility of the hospital to which the student is affiliated, in this case St. James's Hospital, and funding has been provided to the hospitals by my Department. I understand that the up-to-date position at St. James's Hospital is that payments have been made to many of the students. St. James's Hospital has issued reminders to a number of the remaining students who still have to furnish some details. When these details have been received, the outstanding allowances can be processed.

Nursing Education.

195. **Ms McManus** asked the Tánaiste and Minister for Health and Children if the rostered placement will be reduced to 34 weeks, excluding leave for the 2005 intake onwards, in view of the proposed changes to the structure of the rostered year for B.Sc. nursing students; if, prior to these changes taking place it will be appropriate that some discussion take place with the HEI's, the heads of the nursing schools, the Department of Health and Children, the health service providers, An Bord Altranais and student representatives (details supplied). [19157/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government has invested heavily in the new four-year undergraduate nursing degree programme which started in 2002. The total capital investment in building 13 new nursing schools around the country will be in the region of €240 million on completion. Ongoing revenue funding will be in excess of €90 million when the full cohort of students are in place in 2006. The primary concern of my Department is to ensure a safe and effective service for patients. This means that not only must the training and education of nurses be of a high quality to produce nurses fit for purpose and practice but patient safety must not be compromised in the course of this training.

Nursing is a practice-based profession and half of a nurse's education is spent in clinical placement for which 49 weeks currently is paid on the basis of 80% of a staff nurse salary. The first roll out of the rostered year commenced in early 2005, with the exception of one college which commenced in September 2004. Currently the course is structured so that students undertake the paid rostered year between the third and fourth year of the programme. During the rostered year students replace nurses at an agreed ratio. The arrangements for the rostered year therefore, have a direct impact on service provision.

It became clear to my Department last year that the structure of the degree programme put in place by higher education institutions and the length of the rostered year, coupled with the specific requirements of An Bord Altranais, had made it very difficult to ensure that students had sufficient relevant generic and specialist clinical placements completed before they took on the role of rostered employees of the health services. It was therefore necessary for certain changes to be put in place to solve the immediate difficulties and to avoid similar problems arising in the future. To ensure that the existing arrangements for the rostered placement could go ahead my Department agreed that a replacement ratio of 3.5:1, students to nurses, instead of the anticipated 2:1 ratio would apply for a transition period. This change in the replacement ratio gave rise to significant costs of €2.5 million in 2004 and an estimated additional cost of €9 million in 2005 rising to €11.95 million in each of the years 2006-08.

The changes to the structure of the undergraduate nursing degree programme which are to be put in place for the 2005 intake onwards are based on findings of the independent report carried out on behalf of my Department by Deloitte & Touche and extensive consultation by my Department with key stakeholders including An Bord Altranais, higher education institutes, health service providers and the nursing unions. The changes include the reduction of the rostered placement to 34 weeks, excluding annual leave, for the 2005 intake onwards with the placement moving to the end of the programme finishing in week 52 of the fourth year, this will have the effect of maximising the overall amount of clinical experience available in advance of the rostered placement; and revisions to the Bord Altranais requirements and standards for nurse registration education programmes. The structure of the revised programme provides for a minimum of 63 weeks theoretical instruction and 45 weeks supernumerary clinical placement prior to the rostered period. This will ensure the completion of all theoretical and supernumerary generic and specialist clinical placements prior to the rostered placement.

These changes will not impact on students who are currently undertaking the programme. I am

satisfied that the changes will continue to meet the needs of the health service providers in addition to maintaining the integrity of the undergraduate nursing education degree programmes.

Medical Records.

196. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 387 of 5 October 2004, the progress that has been made to correct the inaccuracies in the medical record referred to; and if she will make a statement on the matter. [19161/05]

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 functions of the former Eastern Regional Health Authority.

As the Deputy will be aware, meetings have already taken place to find a resolution to this case. My Department has been advised that the HSE, eastern region, will continue to facilitate both parties in regard to future discussions.

National Children's Strategy.

197. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the progress that has been made on the implementation of the national children's strategy; the amount of the strategy that has not yet been implemented; when this will be implemented; and if she will make a statement on the matter. [19183/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Annual progress reports on the national children's strategy, NCS, are compiled by the national children's office, NCO on the basis of detailed returns submitted by Departments against each of the actions in the strategy. These reports show the progress that has been made against each action. A copy of the 2002 and 2003 reports are available on the NCO website at www.nco.ie. The 2004 report is being finalised by the NCO at present, and will be submitted to the Cabinet committee on children at its July 2005 meeting. I will ask my Department to forward a copy to the Deputy as soon as it is available, which is expected to be end July 2005.

A further source of independent information on the implementation of the strategy is available from the national children's advisory council, NCAC, which has a role in independently monitoring implementation of the strategy. Its review of the 2002 progress report is available on the website www.ncac.ie. The council did not review the 2003 report as its term had expired at that time. It has since been reconstituted, and will be reviewing the 2004 report later this year.

As the progress reports demonstrate, steady progress is being made in implementing the

[Mr. B. Lenihan.] national children's strategy. At the end of 2004 progress had been reported on almost all of the 141 actions in the strategy, although the extent of progress varies. It is important to note that the strategy is a ten year strategy and that 2005 marks the half way point. In particular, good progress has been made in relation to goals 1 and 2 of the strategy, that children will have a voice in matters that affect them, and that children's lives will be better understood. Some 124 of the 141 actions under the national children's strategy relate to improving supports and services for children. Good progress has been made on a number of issues, including substantial investment in child care, investment in educational disadvantage and resources for special needs in education, reduction of hospital waiting lists for children, the publication of a national play policy, investment in the sports capital programme, extension of the Garda vetting service and the implementation of the youth homelessness strategy.

I have recently decided to carry out a mid-term review of the national children's strategy. The purpose of the review will be to identify areas where progress has been made; identify the key issue or priorities over the remaining five years and raise awareness and give a new impetus to the strategy for the period 2006-10.

The National Children's Office will undertake this project. The assistance and input of a wide range of stakeholders, including the NCAC, will be integrated into the process.

Ministerial Travel.

198. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the most up-to-date information on her travels abroad for the St. Patrick's Day celebrations; the persons who travelled with her in her official party; the duration of the visit; and the total cost. [19185/05]

Tánaiste and Minister for Health and Children (Ms Harney): I travelled to Slovenia, Croatia and Bosnia and Herzegovina to undertake a number of duties in relation to St. Patrick's Day. I travelled with my husband, Mr. Brian Geoghegan, the deputy Government press secretary, Mr. Iarla Mongey, and my acting private secretary, Mr. Michael Corban. The delegation left on Wednesday, 16 March and returned on Sunday, 20 March. The costs of the trip have not yet been finalised. However, the costs finalised to date total €5,311.53.

Nursing Home Inspections.

199. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the reason 83 private nursing homes were inspected only once in 2004; if this is a satisfactory inspection regime; and if she will make a statement on the matter. [19214/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's ques-

tion relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

However, as the Deputy is aware the Nursing Homes Regulations 1993 provide for two inspections of each private nursing home per year. In this regard the Tánaiste has written to the Health Service Executive stressing that it is of the utmost importance that this target is achieved country-wide by the HSE to ensure the highest standards in private nursing homes.

Hospital Accommodation.

200. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if she will investigate the situation which occurred at Louth County Hospital in Dundalk on 30 May 2005; and the reason efforts were not made to accommodate those patients in beds. [19227/05]

201. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if she will investigate the situation which occurred at Louth County Hospital in Dundalk on 31 May 2005 whereby five female patients had to spend the night on trolleys while there were five empty beds available in an eight person male ward; and if the Health Service Executive will instruct hospitals to take measures to accommodate patients in available beds in wards where such a situation occurs. [19228/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 200 and 201 together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Nursing Home Charges.

202. **Dr. Upton** asked the Tánaiste and Minister for Health and Children if persons who are in receipt of a disability allowance and resident of a residential home are entitled to a refund of the portion of their payment retained by the residential home in view of the fact that they are medical card holders; and if she will make a statement on the matter. [19234/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government has agreed the key elements of a scheme for the repayment of long-stay charges.

All those who were illegally charged for publicly funded long-term residential care and are

alive and the estates of all those who were charged and died in the six years prior to 9 December 2004 will have the charges repaid in full. The repayment will apply to all those who were charged including those in receipt of payments other than the non-contributory old age pension. The scheme will not provide for repayments to the estates of those who died more than six years ago.

Any person who considers that they or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive, by writing to the National Refund Scheme, HSE Midland Area, Arden Road, Tullamore, County Offaly; or e.mail to refundscheme@mailq.hse.ie; or by calling the helpline 1800 777737 during office hours.

Health Insurance.

203. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to alter the regulations pertaining to the health insurance sector; and if she will make a statement on the matter. [19249/05]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health Insurance Acts, regulations shall not be made until a resolution approving of the regulations in draft has been passed by each House of the Oireachtas. It is my intention to present some minor amendments to the health insurance regulations to the Houses of the Oireachtas seeking approval this week.

I intend to bring forward a limited number of amendments to the risk equalisation scheme, to address issues raised by the Health Insurance Authority in its reports made under the scheme. The amendments relate, primarily, to clarifications of existing definitions. Given that insurers make returns on a six monthly basis under the scheme, it would be desirable that amendments be approved and the regulations made in advance of 1 July next, the first day of the next data return period.

I also intend to submit amendments to the open enrolment regulations relating to the envisaged commencement of section 8 of the Health Insurance (Amendment) Act 2001. The proposed amendments relate to the decision of two restricted membership undertakings to opt out of risk equalisation arrangements under subsection 2(b) of section 12 of the Health Insurance Acts, and providing for the extension of open enrolment to those aged 65 and over. One other proposed amendment to the regulations, generally, will be to replace the term 'ancillary health services' with 'relevant health services' in line with the related change made in the 2001 Act.

Health Services.

204. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite an occupational therapist's report in the case of a person (details supplied) in County

Kilkenny whose spouse has applied for a grant under the disabled person's grant scheme; and if she will make a statement on the matter. [19250/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

205. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 280 of 12 April 2005, when a person (details supplied) in County Clare will be facilitated with a bed in the National Rehabilitation Hospital, Dún Laoghaire; and if she will make a statement on the matter. [19251/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

206. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will provide a long-term stay bed in the case of a person (details supplied) in County Kilkenny; and if a decision in the case will be expedited. [19262/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 207 answered with Question No. 187.

Grant Payments.

208. **Mr. Ellis** asked the Tánaiste and Minister for Health and Children if the Health Service Executive will sanction a motorised transport grant for a person (details supplied) in County Leitrim. [19295/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's

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question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

209. **Mr. Ellis** asked the Tánaiste and Minister for Health and Children the action she proposes to take with regards to the decision of the Health Service Executive to refuse motorised transport grants to persons over 65 years in view of the fact that they are in breach of the equality legislation. [19296/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The motorised transport grant was introduced in 1968 by way of circular 7/68. It is a grant which may be made payable by the Health Service Executive towards the purchase of a car and-or adaptations to a car being purchased by a person with a severe disability who is 17 years or older and up to 65 years of age, where such a car is essential for him or her to obtain or retain employment. Self-employed persons who satisfy the criteria for eligibility may also be considered, subject to the above age limits.

The grant may also be considered in exceptional circumstances for a person with a severe disability, subject to the above age limits, who lives in a very remote location and whose disability impedes him/her from using public transport.

My Department will examine the issue which the Deputy has raised regarding equality legislation. This grant, including criteria for eligibility, will also be considered as part of my Department's strategic review of services for people with disabilities.

Hospital Staff.

210. **Mr. Kelleher** asked the Tánaiste and Minister for Health and Children the steps she has taken and the representations she has made to the Health Service Executive to ensure that the post of consultant haematologist with an interest in child haematology for the Cork University Hospital will be appointed following the retirement of a person (details supplied); if her attention has been drawn to the fact that to date no reply let alone a decision has been received from the Health Service Executive regarding the filling of this post and that this is placing further anxiety on persons; the timeframe as to when the post will be filled; and if she will make a statement on the matter. [19297/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility

of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to have this matter investigated and to have a reply issued directly to the Deputy.

Housing Aid for the Elderly.

211. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when work will be completed to a house under the special housing aid for the elderly scheme for a person (details supplied) in County Limerick. [19298/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

212. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the situation in relation to the requirements for and the availability of speech and language therapists between now and 2010; and if she will make a statement on the matter. [19302/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy may wish to note that three new speech and language therapy courses commenced in the 2003-04 academic year, one of which is a two-year postgraduate course, at the University of Limerick. In total, these courses provide an additional 75 training places in speech and language therapy. This expansion in training numbers has been identified in the report commissioned by my Department from Dr. Peter Bacon and Associates on current and future demand conditions in the labour market for certain professional therapists as sufficient to meet the long-term requirements for speech and language therapists in Ireland.

The first graduates from the new speech and language therapy course in the University of Limerick will be conferred in the near future.

Medical Cards.

213. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the discussions which have taken place within the Health Service Executive to ensure that chiropody services, at a reasonable cost and without a top up charge, are available to medical card holders; and if she will make a statement on the matter. [19321/05]

Tánaiste and Minister for Health and Children (Ms Harney): The provision of chiropody services is a matter for the local area of the Health Service Executive. This is a service which the HSE is not statutorily obliged to provide but a variety of

arrangements are in place nationally under arrangements made by the former Eastern Regional Health Authority, ERHA, and other health boards.

Generally speaking, fees paid to private health care practitioners for the provision of services to public patients are reviewed periodically, and in that context I have requested my Department, in conjunction with the Health Service Executive, to look specifically at the current levels of fees paid to chiropodists participating in the chiropody scheme of the former ERHA. I wish to restate that I consider it inappropriate for chiropodists to charge a top-up fee to elderly public patients who have been deemed eligible for services under the scheme.

My Department wrote to the Health Service Executive on 26 January 2005 regarding the inappropriateness of these additional charges.

Mental Health Services.

214. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the procedure for the Inspector of Mental Hospitals to arrange visits to hospitals; if these take place without the prior knowledge of the hospitals; and if she will make a statement on the matter. [19322/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Under the provisions of the Mental Health Act 2001, the previous office of the inspector of mental hospitals has been replaced with the office of the inspector of mental health services, which is part of the Mental Health Commission. Dr. Teresa Carey has been appointed to the position of inspector of mental health services and, together with her team of assistant inspectors, has commenced a programme of inspections.

The Mental Health Act 2001 requires the inspector of mental health services to visit and inspect every approved centre each year and to visit and inspect any other premises where mental health services are being provided, as the inspector thinks appropriate. The procedure for such visits is a matter for the inspector of mental health services and the mental health commission. The inspector's review of the services, including reports of inspections carried out, is published with the mental health commission's annual report and is laid before both Houses of the Oireachtas. The inspector's first comprehensive annual report is expected to be presented before the end of this month.

Hospital Staff.

215. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children, further to previous Government commitments in this regard, if she has succeeded in making one of the two radiation oncologists to have been appointed in Cork available on an outpatient basis to the people of Waterford for at least five sessions per fortnight; the extent to which services have been made

available to persons of Kilkenny and Carlow through Dublin; and if she will make a statement on the matter. [19323/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

216. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when the sub-committee on radiotherapy will address the issue of designated transport with a view to providing the persons of the south east with adequate services in this regard; and if she will make a statement on the matter. [19324/05]

Tánaiste and Minister for Health and Children (Ms Harney): As I previously indicated to the House, I consider that appropriate transport arrangements for patients requiring radiotherapy should be made available, where necessary, by the Health Service Executive. The national radiation oncology co-ordinating group provides advice to my Department and the HSE on radiotherapy, including patient transport arrangements. I understand that the group will shortly be writing to the HSE on this matter. My Department has asked the parliamentary affairs division of the HSE to have a reply issued directly to the Deputy in relation to the position in the south-eastern area.

217. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that home care attendants in the south east are being informed by the Health Service Executive that they cannot work before 8 a.m. or after 8 p.m. due to insurance issues; if the funds have been made available by her Department to cover the cost of insurance; if persons' hours will not be cut and if she will resolve the issues; and if she will make a statement on the matter. [19332/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services which are the responsibility of the Health Service Executive under the Health Act 2004 within the resources at its disposal. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

218. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will ensure that there will be no cut in the hours allocated for the home care attendant in the case of

[Mr. McGuinness.]
a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [19333/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

219. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in arranging an appointment at Waterford Regional Hospital for a person (details supplied) in County Kilkenny in view of the fact that they were referred by their general practitioner on 12 March 2003; if a response will be expedited; and if she will make a statement on the matter. [19334/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Homes.

220. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of public nursing home beds each year for each of the past 20 years. [19344/05]

221. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of privately owned and operated nursing home beds for each of the past ten years. [19345/05]

222. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of private nursing home patients for whom a nursing home subvention was payable in 2004 or later. [19346/05]

223. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of private nursing home beds which were contracted out to the local health board or Health Service Executive equivalent during 2004 or later. [19347/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 220 to 223, inclusive, together.

The Deputy's question relates to the management and delivery of health and personal social

services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

224. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) was not called for their operation on the 1 June 2005. [19367/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services.

225. **Mr. Ellis** asked the Tánaiste and Minister for Health and Children if her Department will arrange for the North Western Health Executive to provide orthodontic treatment for a person (details supplied) in County Leitrim who has been waiting four years. [19369/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

226. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the reason for the unacceptable delay in organising an angiogram for a person (details supplied); and if she will make a statement on the matter. [19370/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

227. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children the position in relation to the general practitioner only medical

cards scheme; and if she will make a statement on the matter. [19382/05]

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 will include responsibility for the determination of eligibility of persons for 'GP visit' cards.

In 2005 funding has been provided to allow the Health Service Executive provide an additional 30,000 people with full medical cards and also to extend free access to general practitioner services under the general medical services scheme to up to a further 200,000 persons. The Health Service Executive has put in place the necessary administrative arrangements for the introduction of the 'GP visit' cards. It is intended that a public information campaign will be undertaken which will indicate the process to be followed by applicants to obtain application forms and to have their eligibility assessed by the HSE.

It is my firm view that this initiative should be implemented for the benefit of persons on low income as quickly as possible. However, it has not been possible, to date, to reach agreement on the issue with the Irish Medical Organisation.

Pension Provisions.

228. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she will re-examine the case of a person (details supplied) in County Cork; and the gratuity this person would be entitled to if she were to accept. [19383/05]

Tánaiste and Minister for Health and Children (Ms Harney): As set out in my reply to Question No. 39 dated 17 February 2005, an ex-gratia retirement benefit is payable to qualifying non-pensionable staff under the terms of the voluntary hospital superannuation scheme. The amount of €3,196.54 authorised by my Department in November 2003 is based on information supplied by the relevant employer and takes account of unpaid leave taken by the person concerned during her employment. This is therefore the maximum gratuity applicable in this instance under the terms of the scheme and having regard to the length of service involved.

Nursing Homes.

229. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children if her Department has received complaints regarding a nursing home (details supplied); if so, if they have been investigated; and if she will make a statement on the matter. [19423/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Department has not received a complaint about this nursing home.

Health Services.

230. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) was refused sanction by the HSE for the purchase of certain medical material which was recommended to treat his condition; and if she will make a statement on the matter. [19424/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Home Care Grant.

231. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a home care grant will be awarded to a person (details supplied) in County Kerry. [19425/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Learning Disability Services.

232. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if she will provide information on the financial allocations made by her to each of the learning disability service providers in each of the past five years; the number of day places, residential places and respite places which this funded in each case; if all funding for 2005 has been drawn down; and if she will make a statement on the matter. [19433/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The information requested by the Deputy is not readily available in my Department. However, my officials have asked the Health Service Executive's national director for primary, community and continuing care to investigate the matter raised and reply directly to the Deputy.

Departmental Correspondence.

233. **Ms Shortall** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 175 of 11 May 2005, the reason no reply has yet issued to this Deputy; her views on whether it is acceptable that Members of Dáil Éireann go to these lengths to obtain basic information from the health services;

[Ms Shortall.]
if she has satisfied herself with the level of competency of senior management of the HSE in this regard; and if she will make a statement on the matter. [19434/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, the Health Service Executive came into being on 1 January, 2005. My Department has made inquiries with the HSE and was told that, on foot of the referral to the HSE of her Question of 11 May, a reply issued to the Deputy in the past week.

My reply to the Deputy's question of 11 May informed her that steps were being taken within the Executive, including the recent establishment of a parliamentary affairs division, to strengthen its capability to provide information to members of the Oireachtas. As stated in the Executive's service plan for 2005, this is a priority area of work for its corporate affairs directorate. I am satisfied that, in the organisational arrangements currently being made to complete the transition to the unitary system, due importance and attention is being given by the Executive to enhancing its capacity to respond in an efficient and timely manner to requests for information from members of the Oireachtas.

Health Services.

234. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to a general practitioners crisis in Beara in West Cork (details supplied); if support will be provided for them by way of weekend cover or the equivalent; and if she will make a statement on the matter. [19455/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Public Private Partnership.

235. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when she intends to publish the conditions pertaining to public private partnerships in the health sector; and if she will make a statement on the matter. [19469/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been examining Public Private Partnerships (PPPs) and other procurement options in line with Government policy with a view to finding the approach that will deliver additional long stay beds and provide the best services and value for money to the Exchequer.

In this regard there have been discussions between my Department and the Department of Finance on an initiative which is based on entering into a medium term service agreement with the private sector to deliver the additional long stay beds required to relieve pressure on the acute hospitals and community care programme.

Under a PPP arrangement the HSE is subject to the national guidelines on PPPs and all capital investments must comply with EU procurement legislation. Pending the outcome of the deliberations of the proposal any conditions attached will be published at that stage.

My Department engaged a consultancy firm to provide advice on an assessment framework that should be applied to proposals for developing private hospitals on public hospital sites.

I am currently considering the advice from the consultants and related policy issues regarding the development of private hospital facilities on public hospital sites and increasing capacity in the public hospitals for public patients.

Health Services.

236. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the progress which has been made in the discussions between the HSE north western area regarding north west residents accessing radiotherapy services in Belfast; and if she will make a statement on the matter. [19470/05]

Tánaiste and Minister for Health and Children (Ms Harney): Patients in the North-West are currently being referred for radiation oncology treatment to the recently commissioned Radiation Oncology Department at University College Hospital Galway (UCHG) and also to St. Luke's Hospital Dublin. A consultant radiation oncologist with significant sessional commitments to the north-western area has recently been appointed to UCHG. In addition, further discussions are scheduled to take place later this month between the HSE north-western area and Belfast City Hospital in relation to access to radiation oncology services for patients in the north-west, mainly Donegal. My Department has asked the parliamentary affairs division of the Health Service Executive to advise the Deputy of progress on these discussions. The state of the art facility at Belfast City Hospital is scheduled to open in early 2006.

Disability Bill 2004.

237. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to meet the concerns of a group (details supplied); and if she will make a statement on the matter. [19471/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Department of Justice, Equality and Law Reform has responsibility in the first instance for matters related to the Disability Bill 2004.

My Department has forwarded the proposals in question to that Department for its attention.

Hospital Waiting Lists.

238. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Kildare will receive an earlier appointment date to attend the consultant neurologist at Beaumont Hospital; and if she will make a statement on the matter. [19478/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Funding.

239. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if adequate funding will be made available to a centre (details supplied) by the HSE in order that the centre can run to full capacity; and if she will make a statement on the matter. [19479/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Foster Care.

240. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the insecurity of children who are fostered under family arrangements whereby even quite settled and successful arrangements can be brought abruptly to an end by the intervention of the natural parent, unless the fostering family undertake the substantial legal expense of obtaining joint guardianship; if she is considering changes in the law that might offer greater primacy to the interests of the child in such circumstances; and if she will make a statement on the matter. [19487/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Foster care and relative care arrangements under the Child Care Act 1991 are subject to regular reviews. The views of the child, the parents and the foster carers are taken into account and the review considers a number of issues regarding the child's placement, including whether it would be in the

best interests of the child to be returned to the care of his or her parents.

Where it is agreed that it is in the best interests of the child to be reunited with its parents, the Health Service Executive is obliged under the Child Care Regulations 1995 to inform the foster carers, including relative carers, of its intentions to remove the child from their care and their reasons for doing so. The foster carers may appeal the decision to return the child to its parents. Where appropriate, the Health Service Executive may make counselling available to foster carers who have a child removed from their care.

I re-iterate that in considering whether to reunite a child with its parents, the Health Service Executive must consider what is in the overall best interests of the child.

The Deputy will be pleased to know that a provision has been included in the Adoption (Hague Convention, Adoption Authority and Miscellaneous) Bill 2004 allowing a long-term foster carer to apply to the Circuit or District Court for a guardianship order, taking into account the views of the child and having obtained the relevant consents. The legislation also provides that a person who is 18 years of age or more may be adopted, if the person consents and has been in long term foster care, thus allowing them to become a legal part of their long term foster care family.

The Bill has gone to the parliamentary counsel for drafting and it is hoped it will be published at the end of 2005.

Health Services.

241. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the reason only children from fifth and sixth class at a school (details supplied) in County Galway are examined for orthodontic needs; and if she will make a statement on the matter. [19494/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hanly Report.

242. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if it remains the policy of her Department to implement in full the Hanly report; and if she will make a statement on the matter. [19518/05]

243. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the policy implications of the Hanly report (details supplied); the services that will be relocated out of the hospital;

[Mr. Lowry.]
if the report is implemented; and if she will make a statement on the matter. [19519/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 242 and 243 together.

The report of the National Task Force on Medical Staffing (Hanly report) makes important proposals for reducing the working hours of non-consultant hospital doctors (NCHDs) in line with the European Working Time Directive and highlights the need to implement changes in medical staffing to ensure safety and quality of patient care.

My Department is working closely with the Health Services Executive and other health agencies with a view to reducing the working hours of junior doctors. Negotiations with the Irish Medical Organisation in this regard are continuing. Local implementation groups have been established in nine hospitals as part of an agreed process and a detailed hospital activity analysis is underway which will inform reforms in this area.

The report recommends a significant increase in the total number of consultants, working in a 'consultant-provided', team-based system, so that patients can receive faster access to senior clinical decision making. While consultant contract negotiations are delayed pending resolution of issues related to medical indemnity arrangements, significant preparatory work has been undertaken within my Department in partnership with the Health Service Executive in preparation for the commencement of negotiations.

The implications of the report for post-graduate medical education and training are being examined by the medical education and training group originally established as part of the National Task Force on Medical Staffing.

In relation to the organisation of hospital services, I consider that the National Hospitals Office is best placed to build on the recommendations of the report in this area and have asked my officials to progress the issue with officials of the National Hospitals Office.

In relation to the specific hospital mentioned by the Deputy, the report stated that a full range of acute hospital services should be available within the mid-western region, so that patients would not have to travel outside the region other than for specialised supra-regional or national-level services. This would involve the appointment of an additional 195 consultants to the mid-western region. These consultants would be required to work both in hospitals such as Nenagh and Ennis as well as the Mid-Western Regional Hospital, Limerick.

Health Service Executive.

244. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the steps she intends to take to find a replacement CEO for the HSE; and if she will make a statement on the matter. [19520/05]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health Act 2004 the statutory responsibility for recruiting the first chief executive officer of the Health Service Executive rests with the board of the executive. My function in the matter is to appoint the person recommended by the board.

Rehabilitation Services.

245. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the supports available to assist stroke victims and their families during rehabilitation; and if she will make a statement on the matter. [19521/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

246. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the reason for the proposed move of a service (details supplied); if this move represents a further downgrading of the organisation involved; the steps she intends to take to ensure no further downgrading of same; and if she will make a statement on the matter. [19522/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Benchmarking Award.

247. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the legal basis for withholding a benchmarking award to a person (details supplied) in County Donegal; if this is the case; and if she will make a statement on the matter. [19523/05]

Tánaiste and Minister for Health and Children (Ms Harney): Human resource management issues relating to Health Service Executive employees are a matter for the Health Service Executive. Accordingly my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Funding.

248. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children when funding will be provided to a group (details supplied). [19524/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Act 1970.

249. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to bring forward legislation to amend the Health Act 1970; the timetable for publication of the legislation; and if she will make a statement on the matter. [19525/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I understand the Deputy's question relates to the possibility of introducing a requirement that catering establishments would be obliged to indicate to customers the country of origin of the meat they might consume. The current position is that officials of my Department are in contact with officials in the Department of Agriculture and Food in regard to this issue and I hope to be in a position to make an announcement shortly.

Health Services.

250. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if a decision has been made regarding the case of a person (details supplied) in County Sligo. [19526/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Mental Health Services.

251. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that plans are in place to close Caltragh House, the mental health services unit in Sligo; if her attention has further been drawn to the growing concern regarding this closure; if she will ensure that it remains open; and if she will make a statement on the matter. [19527/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Voluntary Sector Funding.

252. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if multi-annual funding for the voluntary sector such as the Carmichael Centre is absolutely vital; if she intends to introduce funding; and if she will make a statement on the matter. [19528/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Since 2005, there are two separate Votes for health funding. Vote 39 for the Office of the Minister for Health and Children covers the running expenses of the Department and certain other functions. Health services in the main are funded through Vote 40 for the Health Service Executive and the Carmichael Centre is funded by the HSE. Overall funding of the HSE, as well as for Departments continues to be decided on an annual basis with the funding available being published in the Revised Estimates for Public Services.

The question of providing further statutory funding to the Carmichael Centre is being considered in my Department, in consultation with the Health Service Executive and the Department of Community, Rural and Gaeltacht Affairs.

Hospital Waiting Lists.

253. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will intervene with a hospital (details supplied) on a person's behalf; if he will be called for treatment in view of the major need following an accident; and if she will make a statement on the matter. [19545/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

254. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in providing a new wheelchair to a person (details supplied) in County Kilkenny; if she will expedite the request; the level of funding

[Mr. McGuinness.]
being provided in this area; and if she will make a statement on the matter. [19570/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

255. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children when she intends to meet a group (details supplied); and if she will make a statement on the matter. [19581/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Tánaiste has agreed to meet this group on Wednesday 22 June 2005.

Hospitals Building Programme.

256. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children when she proposes to make an announcement in respect of capital funding for a new hospital in Dingle, County Kerry; the reason there has been no announcement of the 2005 capital programme to date; and if she will make a statement on the matter. [19582/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme.

The detailed capital funding programme for 2005 is currently being finalised in the context of the Capital Investment Framework 2005-2009. This process is not yet fully concluded as it must take account of non-capital funding implications arising in future years. However, I expect to be in a position to make an announcement in this regard very shortly.

Tobacco Controls.

257. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the reason Ireland has not yet ratified the WHO Framework Convention on Tobacco Control; and if she will make a statement on the matter. [19601/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I intend to bring a motion before the Oireachtas shortly seeking approval to the ratification by Ireland of the Framework Convention on Tobacco Control.

The convention is an initiative of the World Health Organisation in response to the global epidemic of tobacco addiction. The treaty, which was adopted unanimously by the World Health Assembly in May 2003 and signed by Ireland in September 2003, provides an agreed approach to tobacco control at a global level.

This will be the first binding international treaty that addresses all aspects of tobacco control, namely the traditional health interventions such as advertising and sponsorship bans, passive smoking and retail licensing. It also addresses economic and trade issues including taxation policy, international trade and smuggling. Other areas include product specification and issues of compensation and liability.

Ireland is a strong advocate of effective tobacco control policies and of the Framework Convention on Tobacco Control and has consistently pressed these policies nationally and internationally in order to protect public health and reduce deaths from tobacco related illness.

To enable the treaty to come into force ratification by forty states is necessary and this figure was achieved at the end of last year. Ireland is committed to effective tobacco control policies. Our smoke-free workplace initiative which commenced in March 2004 has drawn favourable comment from public health authorities around the world as an effective public health instrument in tackling the negative health effects of tobacco smoking. A number of other jurisdictions are using the Irish experience as a basis for similar type health interventions.

Health Service Staff.

258. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if public health and community medicine doctors are discriminated against in interviews for promotion; and if she will make a statement on the matter. [19602/05]

Tánaiste and Minister for Health and Children (Ms Harney): Appointments to Health Service Executive posts in public health medicine are made through the Public Appointments Service. The Public Appointments Service was established in October 2004.

The Public Appointments Service is the centralised provider of recruitment, assessment and selection services for the Civil Service. It also provides recruitment and related human resource advisory services to local authorities, health boards, the Garda Síochána and other public bodies.

The Public Appointments Service is committed, in partnership with its clients, to compete successfully in the labour market and to provide excellent recruitment and selection services, based on merit and equality, which support and facilitate the delivery of public services.

The Public Appointments Service is committed to a policy of equal opportunity in their recruitment practices and selection methods. The Civil Service, as an employer, pursues an active policy

of non-discrimination on grounds of sex or marital status.

The Public Appointments Service is committed to the principles of best recruitment practice. Fairness and impartiality are absolute essential values to which it adheres as it strives to ensure that the best candidate for a vacancy is selected to fill the position. All candidates for positions recruited by the Public Appointments Service are assessed solely on their merits and against the requirements for the particular job.

As a once-off initiative, and in accordance with the Public Health Doctors Agreement 2003, a number of public health medicine posts were set aside to be filled by internal promotion within the Health Service Executive. These posts could only be filled by candidates with the required qualifications, experience and expertise. As the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Ambulance Service.

259. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when a 24 hour ambulance will be located in areas of Mayo (details supplied) in view of the fact that this has been a priority of the HSE West for some time and there is no ambulance base within the national accepted guidelines of distance from ambulance base; if her attention has been drawn to the fact that lives are being lost and put in jeopardy due to the considerable time lapse which is involved in an ambulance arriving to take the ill person to hospital; when an ambulance base will be provided in this area; and if she will make a statement on the matter. [19622/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

260. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the reason a report of an MRI scan of a person (details supplied) cannot be found; and if she will make a statement on the matter. [19633/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health

Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

261. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the position in relation to permanent registration for section 7.6 doctors; and if she will make a statement on the matter. [19645/05]

Tánaiste and Minister for Health and Children (Ms Harney): Officials from my Department and from the Medical Council recently met a delegation of the doctors concerned. This issue relates to a sponsorship scheme, the timescale for which has now elapsed. The officials listened to the concerns of the doctors and are now reflecting on the issues raised. They will revert to the doctors as soon as consultations with the relevant bodies, the Medical Council and College of Anaesthetists, are completed.

Hospital Services.

262. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the financial help which is available to a person for medical treatment in England when that treatment is not available here; and the way in which this funding is assessed. [19785/05]

Tánaiste and Minister for Health and Children (Ms Harney): Where an individual requires specific treatment which is necessary and which cannot be provided in Ireland, the Health Service Executive may refer the person to another member state for treatment. Under EU Regulations, the executive issues a form E112 to the person being referred to establish his or her entitlement to such treatment and to imply a commitment by the HSE to pay the full cost of the treatment. My Department has issued guidelines which set down the criteria to be used by health boards when assessing applications for approval of forms E112, as follows; the application to refer a patient abroad must be assessed before the patient goes abroad except in cases of extreme urgency; medical evidence must be provided by a hospital consultant giving details of the condition from which the patient suffers and of the type of treatment envisaged and it must be certified by the consultant that: the treatment concerned is not available in this country, there is an urgent medical necessity for the treatment, there is a reasonable medical prognosis, the treatment is regarded as a proven form of medical treatment and the treatment abroad is in a recognised hospital or other institution and is under the control of a registered medical practitioner.

In the case where a person's E112 application has been approved the HSE may provide assistance towards the cost of travel and subsistence

[Ms Harney.] expenses. The decision in relation to the provision of such assistance is a matter for the HSE.

Arrangements which are made privately for the treatment of a patient in any country abroad, must be regarded as outside the terms of the EU regulations and the HSE has no obligation to meet any part of the cost involved.

Cancer Screening Programme.

263. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when BreastCheck will be extended to the Waterford constituency; and if she will make a statement on the matter. [19787/05]

Tánaiste and Minister for Health and Children (Ms Harney): New facilities for the national expansion of BreastCheck are included in the Health Capital Investment Framework 2005-2009. My Department recently gave approval to BreastCheck to advertise for the appointment of a design team to produce detailed plans for the design and construction of the clinical unit at the South Infirmary Victoria Hospital, Cork. The catchment area of that centre will include Waterford. Discussions on manpower requirements are currently taking place involving BreastCheck, the Health Service Executive and my Department. I am confident that the target date of 2007 for the commencement of the national roll-out will be met.

Community Care.

264. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be assessed for home help. [19824/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Adoption Services.

265. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children when an adoption assessment (details supplied) is likely to commence. [19839/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): My Department has been in contact with the HSE regarding this matter and I understand a reply will be issued to the Deputy this week.

Mental Health Services.

266. **Mr. Neville** asked the Tánaiste and Minister for Health and Children her plans to appoint

specialist psychiatric posts for persons suffering from chronic eating disorders. [19840/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The expert group on mental health policy is currently preparing a national policy framework for the further modernisation of the mental health services, updating the 1984 policy document, Planning for the Future. The expert group, which is currently examining the future direction and delivery of all aspects of our mental health services, has a number of sub-groups looking at specialist issues in mental health services, including eating disorders. The group is expected to complete its work and publish its report later this year.

Health Services.

267. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the procedures available to a person (details supplied) in County Kildare for a hearing test and hearing aid. [19861/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

268. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when a medical card will be renewed for a person (details supplied) in County Limerick. [19868/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

269. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for an eye procedure. [19874/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

270. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of respite beds occupied in County Monaghan; the number required; if she proposes to further develop this service; and if she will make a statement on the matter. [19961/05]

271. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number of respite beds occupied in County Cavan; the number required; if she proposes to further develop this service; and if she will make a statement on the matter. [19962/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 270 and 271 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

272. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number and details of reports into acute hospital services commissioned by the former North Eastern Health Board; the action taken on foot of any report's recommendations; and if she will make a statement on the matter. [19963/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Iodine Tablets.

273. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children her views on whether the €2.2 million cost of distributing iodine tablets to households here was justified; the length of time the tablets will maintain their efficiency; if she proposes to repeat the exercise; and if she will make a statement on the matter. [19964/05]

Minister of State at the Department of Health and Children (Mr. S. Power): In 2002, as part of the National Emergency Plan for Nuclear Accidents, 12.6 million tablets were distributed by post to households across the country, a packet of six tablets to each household. A further 1.6 million tablets were distributed to health boards for persons who did not receive a supply of tab-

lets or who did not receive a sufficient number of tablets via the postal distribution. The tablets had an expiry date of March 2005.

A representative sample of tablets was tested recently to determine whether the expiry date could be extended. The results indicate that the tablets have maintained their efficacy. A public notice was placed in national newspapers in March 2005 advising people to continue to store the tablets in a cool, dry place in their original sealed packaging, out of the reach of children.

In recent years the threat to Ireland has significantly reduced due to the closure of a number of the older reactors in the UK, in particular the Calder Hall reactors at Sellafield. A programme of further closures over the next five years is planned.

A review group established by my Department, chaired by Dr. Barry McSweeney, chief science adviser to the Government, is currently examining the continued use of iodine tablets as a countermeasure under the National Emergency Plan for Nuclear Accidents. One of the issues being considered is the projected expiry date of the tablets. The group has had two meetings to date and is expected to make its recommendations later in the year.

Hospital Acquired Infections.

274. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if she has noted the results of an international survey which placed Ireland, with 119 cases of MRSA per million of population, highest in Europe for hospital acquired infections; if she proposes to hold an audit of HAIs on an individualised hospital basis; the protocols she proposes to put in place to reduce the incidence of such infections; and if she will make a statement on the matter. [19965/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is aware of the recent report published by the Irish Patient's Association on hospital-acquired infections, or HAIs. Effective infection control measures, including environmental cleanliness and hand hygiene, are central to the control of HAIs including drug-resistant organisms such as MRSA. 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 refers to the need to address this particular issue.

The Deputy will be aware that operational issues in relation to the services provided by acute hospitals now rests with the Health Service Executive (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 have a hygiene audit of hospitals carried out this summer by external consultants. The results of the audit are expected to inform the national standards for infection control and cleaning.

Suicide Prevention.

275. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if she plans to set up a national co-ordinating authority to develop guidelines and strategies in the area of suicide prevention; and if she will make a statement on the matter. [19966/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the Deputy is aware, work is now well under way on the preparation of a National Strategy for Action on Suicide Prevention. This strategy, which involves the project management unit, Health Service Executive in partnership with the national suicide review group supported by the Department of Health and Children will be action-based from the outset and will outline the priority initiatives for suicide prevention and mental health promotion across the country for the coming years. The National Strategy for Action on Suicide Prevention, to be published in September of this year, will provide us with a targeted, measurable action plan for tackling this serious social problem in a coherent and integrated fashion, involving all relevant stakeholders.

Health Service Staff.

276. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if the remuneration, allowance, superannuation and additional advisers package proposed by Professor Drumm as a prerequisite for his appointment as chief executive officer of the HSE was submitted to the Department of Finance for consent; and if she will make a statement on the matter. [20051/05]

Tánaiste and Minister for Health and Children (Ms Harney): My approval to the remuneration package negotiated between the Health Service Executive (HSE) and Professor Drumm was given with the consent of the Minister for Finance, in accordance with the provisions of section 17(5)(b) of the Health Act, 2004. The additional human resources sought by Professor Drumm did not form part of the terms and conditions of his proposed appointment as the first chief executive officer of the HSE.

Rights of the Child.

277. **Ms Shortall** asked the Tánaiste and Minister for Health and Children if a person (details supplied) has been the subject of administrative proceedings over the past year or more which come under the ambit of Article 12 of the UN Convention on the rights of the child; if there are *prima facie* conflicts of interest on the part of Irish State parties who to date have been involved in the case, as against the interests of the child; if the person is entitled under the aforementioned conventions to be independently represented; if such entitlement exists in respect of the current administrative proceedings, and therefore is not contingent on any judicial proceedings being

brought in the future, such as in relation to the persons adoption or citizenship; if the Attorney General will apply to the High Court for an Order appointing an independent representative for this person; and if she will make a statement on the matter. [18881/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): This is a most complex and highly sensitive case. The Government is actively engaged in seeking to find a solution. At all times the best interests of the child has been, and will remain the primary consideration.

High Court proceedings against the adoptive parents of this child have been instigated by the Attorney General in his role as protector of the unprotected. As the matter is before the court it is not appropriate to comment further.

Disabled Drivers.

278. **Mr. Durkan** asked the Minister for Finance when a decision will be made in the case of an application for appeal regarding a medical certificate for disabled drivers to the Health Service Executive in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [19019/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme. Queries on individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin or alternatively by telephone at 01 2355279.

The Deputy may be aware that there were a number of operational difficulties with the board of appeal and these have now been resolved. The new chairperson of the board, whom I appointed on 14 March 2005, has been asked to address the backlog of appeals as a priority. To facilitate more frequent meetings of the board, I brought in new regulations on 7 April 2005 allowing for the appointment of up to ten medical practitioners to the board of appeal. There are currently seven medical practitioners on the board of appeal, and I hope to make further appointments shortly. It is intended that these improvements will substantially reduce the current waiting time for an appeal.

279. **Mr. Stagg** asked the Minister for Finance the reason for the delay in determining an appeal in relation to the sanctioning of a medical certificate for a disabled driver (details supplied); and if he will make a statement on the matter. [19069/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the Disabled Drivers and Disabled Passengers (Tax

Concessions) Scheme. Queries on individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin or alternatively by telephone at 01 2355279.

The Deputy may be aware that there were a number of operational difficulties with the board of appeal and these have now been resolved. The new chairperson of the board, whom I appointed on 14 March 2005, has been asked to address the backlog of appeals as a priority. To facilitate more frequent meetings of the board, I brought in new regulations on 7 April 2005 allowing for the appointment of up to ten medical practitioners to the board of appeal. There are currently seven medical practitioners on the board of appeal, and I hope to make further appointments shortly. It is intended that these improvements will substantially reduce the current waiting time for an appeal.

Computerisation Programme.

280. **Mr. Broughan** asked the Minister for Finance if he will provide a description of the configuration of the Government's data VPN in the Kildare Street and Government Buildings area; the capacity of the Oireachtas data connection to the VPN; the capacity of the VPN data connection to the Internet; his plans to enhance the data capacity of the Government VPN; his further plans to provide additional data capacity and resilience for the VPN connection to and from the Oireachtas; and if he will make a statement on the matter. [19352/05]

Minister for Finance (Mr. Cowen): My Department has installed a fibre-based campus network operating at 1 Gbps in the Government Buildings complex, providing connectivity to the Departments of the Taoiseach; Arts, Sport and Tourism; Finance; Agriculture and Food; Enterprise, Trade and Employment; the Office of the Attorney General; the Office of the Revenue Commissioners; the National Museum; the National Library; and the Houses of the Oireachtas. This campus network is, in turn, connected diversely to the Government VPN at 100 Mbps. These diverse connections are shared by all interconnecting bodies resulting in bandwidth availability that would otherwise be cost-prohibitive. The

Government VPN has a number of diverse and resilient connections to the Internet, each operating at 100 Mbps. Another such connection is being installed at present and should be available in the near future. Capacity upgrades to Internet connectivity are planned and implemented on the basis of continuous usage monitoring.

The Houses of the Oireachtas is connected to the campus network in Government Buildings using fibre capable of operating at 1 Gbps. The capacity of this connection is a matter for the Houses of the Oireachtas and is not determined by my Department. However, the current capacity is greater than need and is therefore unlikely to require upgrading in the foreseeable future. Resilience of connectivity to the campus network in the Government Buildings complex and on to the Government VPN is also a matter for the Houses of the Oireachtas. However, my staff are currently working with staff from the ICT function in Oireachtas to plan and implement such resilience.

Planning Issues.

281. **Ms Harkin** asked the Minister for Finance if a licence has been applied for by or granted to a mobile telephone company to erect a mobile telephone mast at the location of the Pension Services Office, College Road, Sligo. [19380/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works in Ireland have granted a licence to a mobile telephone company to install telecommunications equipment at the location specified.

Pub Licences.

282. **Mr. Kehoe** asked the Minister for Finance the number of active pub licences in the country; the breakdown of the figures by county; the number of dormant licences and the conditions attached to same; [19472/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners as follows in relation to the information requested on the number of active pub licences in the country; the breakdown of the figures by county; the number of dormant licences and the conditions attached to same.

County	Active Pub Licence	Dormant Licences	Breakdown of Dormant Licences	Condition of Dormant Licence
Carlow	114	8	8	No Circuit Court Certificate
Cavan	242	23	9	No Circuit Court Certificate
			6	No Tax Clearance Certificate
			2	Deceased
			6	Not Trading
Clare	379	52	42	No Tax Clearance Certificate
			5	Not Trading/Demolition
			5	Deceased

County	Active Pub Licence	Dormant Licences	Breakdown of Dormant Licences	Condition of Dormant Licence
Cork	1,272	40	8 32	No Circuit Court Certificate No Tax Clearance Certificate
Donegal	506	28	3 25	No Bord Fáilte Certificate No Circuit Court Certificate/No Tax Clearance Certificate
Dublin	815	14	14	Not Trading
Galway	701	20	1 1 14 4	Deceased Certificate of Transfer No Tax Clearance Certificate No Bord Fáilte Certificate
Kerry	504	50	40 5 5	No Tax Clearance Certificate Not Trading/Demolition Deceased
Kildare	239	5	3 2	No Circuit Court Certificate Cheque Validation
Kilkenny	241	11	11	No Circuit Court Certificate
Laois	172	3	1 1 1	No Circuit Court Certificate Cheque Validation Objection
Leitrim	149	8	8	Not Trading/No Tax Clearance Certificate
Limerick	485	70	56 7 7	No Tax Clearance Certificate Not Trading/Demolition Deceased
Longford	106	8	8	Not Trading/No Tax Clearance Certificate
Louth	241	1	1	Not Trading
Mayo	584	36	2 34	No Bord Fáilte Certificate No Circuit Court Certificate
Meath	255	3	2 1	No Circuit Court Certificate Cheque Validation
Monaghan	131	17	7 5 5	No Circuit Court Certificate No Tax Clearance Certificate Not Trading
Offaly	162	4	4	Not Trading
Roscommon	256	3	1 2	Deceased No Tax Clearance Certificate
Sligo	210	3	3	Not Trading/No Tax Clearance Certificate
Tipperary	560	34	33 1	No Circuit Court Certificate Cheque Validation
Waterford	292	10	8 1 1	No Circuit Court Certificate Cheque Validation Objection
Westmeath	205	8	8	Not Trading
Wexford	346	6	4 2	No Circuit Court Certificate Cheque Validation
Wicklow	219	3	3	No Circuit Court Certificate

In some counties, the information in respect of the conditions of the dormant licences has not been fully disaggregated e.g. not trading or no tax

clearance certificate. The Revenue Commissioners will forward a complete list to the Deputy as soon as possible.

Disabled Drivers.

283. **Mr. P. Breen** asked the Minister for Finance the position regarding an appeal for the disabled drivers allowance for a person (details supplied) in County Clare; and if he will make a statement on the matter. [19786/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme.

Queries on individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin or alternatively by telephone at 01 2355279.

Tax Refund.

284. **Mr. Hogan** asked the Minister for Finance when the necessary tax refund will be awarded to a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [18941/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the refund in respect of medical expenses for 2004 issued to the taxpayer on 15 April, 2005.

285. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be issued with a statement of their tax contributions for 2004; and if he will make a statement on the matter. [18998/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a PAYE balancing statement for 2004, showing details of earnings and tax deductions, issued to the taxpayer on 8 June 2005.

Tax Code.

286. **Mr. Morgan** asked the Minister for Finance the amount of revenue which would be raised on an annual basis if his Department was to implement the recommendation contained in the NESC report on housing regarding a separate tax on second homes if such a tax was set at an annual rate of 0.5% of the value of the second home. [19063/05]

Minister for Finance (Mr. Cowen): There are no reliable estimates of the number of second and additional residential properties in the State. Consequently, it is not possible at this point to assess the amount of tax that would be raised by charging a residential property tax on all second and additional residences at 0.5% of the value of such homes.

287. **Mr. Bruton** asked the Minister for Finance if his attention has been drawn to the fact that the Revenue Commissioners have started to tax small payments made to cover supervision of voluntary study period at school; if he has received

submissions from schools that this is likely to result in the discontinuation of this facility which is not covered by the Department of Education and Science provision; and if he will make a statement on the matter. [19079/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that payments for school supervision of voluntary study are taxable in the same way as an individual's other employment income. This is not a new tax treatment or practice. There has been no change in tax law in this respect nor did any new instruction in this regard issue from the Revenue Commissioners.

It is a general principle of taxation that, as far as possible, income from all sources should be subject to taxation, and this can include income such as additional payments made in respect of supervision of voluntary study periods in schools.

The general thrust of the Government's policy in relation to personal taxation has been to broaden the tax base while lowering rates, widening bands and increasing credits. Thus, as a result of budgetary changes made since this Government came into office in 1997, the burden of taxation has reduced for all categories of income earner in recent years.

My Department has no record of any submissions from schools on this matter.

Flood Relief.

288. **Mr. Stanton** asked the Minister for Finance if he has received a request to provide funding to enable Fermoy flood plan to be undertaken; if so, the amount requested; if he will make funding available as a matter of urgency in this regard; and if he will make a statement on the matter. [19085/05]

Minister of State at the Department of Finance (Mr. Parlon): The Office of Public Works plan to place the proposals to alleviate the flood risk on the Munster Blackwater River in Fermoy on formal public display, as required under the Arterial Drainage Acts, in the autumn of 2005.

In recent months, OPW has concentrated on the development of the early flood warning system for the Munster Blackwater River catchment. The warning system is vital for the proposed scheme in Fermoy, as there is extensive use of demountable defences proposed there.

Progression of the scheme will, to some degree, depend on the observations received during the exhibition period. Construction of an acceptable scheme will depend on the availability of funds and the prioritisation of the large number of schemes that are required in various locations.

Tax Code.

289. **Caoimhghín Ó Caoláin** asked the Minister for Finance if the owners of the Leas Cross Nursing Home benefitted from the nursing homes tax incentive scheme; if so, the amount of tax fore-

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gone; and if he will make a statement on the matter. [19109/05]

290. **Caoimhghín Ó Caoláin** asked the Minister for Finance the number of persons who have availed of the nursing homes tax incentive scheme; the cost of this scheme to the public finances; and if he will make a statement on the matter. [19110/05]

306. **Mr. P. McGrath** asked the Minister for Finance the number of nursing homes that have availed of capital tax allowances each year since this tax shelter was introduced. [19350/05]

307. **Mr. P. McGrath** asked the Minister for Finance the number of nursing home beds provided each year under the capital tax allowances scheme since this scheme was introduced. [19351/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 289, 290, 306 and 307 together.

The Revenue Commissioners are not in a position to estimate the number of nursing homes which have benefited from this tax incentive. This is because the normal self-assessment tax return form does not distinguish between capital allowances claimed in respect of private nursing homes from those claimed in respect of other buildings entitled to capital allowances. Consequently it is not possible for Revenue to indicate the level of take-up of this specific incentive. With regard to this issue my Department and the Revenue Commissioners have been working closely recently to investigate data capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. Arising from this work, provisions were included in Finance Act 2004 introducing a number of changes to the tax return forms which will yield additional information regarding various tax reliefs. The preliminary data should become available from early 2006 after the returns for 2004 are filed in October 2005.

Capital allowances for private nursing homes were introduced in Finance Act 1998 with effect from 3 December 1997. The latest information from the Department of Health and Children is that the number of beds in private nursing homes increased from 6,932 at the end of 1997 to 13,178 in December 2003. An estimated 8,527 persons in these nursing homes receive direct exchequer support of one form or another for their fees. The new capital allowances incentive for nursing homes would have caused some of this increase in bed capacity but the Department of Health and Children does not have any information on this matter.

As regards the names of individuals who have availed of this tax relief, the Revenue Commissioners' obligation to observe confidentiality for taxpayers and small groups of taxpayers would preclude them from giving this information, if this were available to them.

Public-Private Partnership.

291. **Mr. Connolly** asked the Minister for Finance if he has reviewed the effectiveness of public private partnerships throughout the country; and if he will make a statement on the matter. [19119/05]

Minister for Finance (Mr. Cowen): The Government is committed to developing the PPP process as a viable procurement option for appropriate projects within the overall context of public investment in infrastructure and public services.

The role of my Department is to facilitate the PPP process, to develop the general policy framework within which PPPs operate and to provide central guidance to Departments and other State authorities in that context. As capital investment projects, PPP projects are subject to the requirements of the guidelines for the appraisal and management of capital expenditure proposals in the public sector. In addition, my Department prepares and issues PPP-specific guidelines for Departments and State authorities in regard to the assessment, approval, audit and procurement of such projects, taking into account the experience of projects to date and any further relevant information.

Within a particular sector, a decision on the suitability of any individual project for the PPP procurement approach is a matter for the relevant Minister or State authority in the first instance. The value for money achieved or effectiveness of such projects is also a matter for the accounting officer in the Department or office sponsoring the project. While the performance of individual PPP projects is a matter in the first instance for the relevant Minister or accounting officer as appropriate, lessons learned which are of general application are shared or incorporated into guidelines issued by my Department.

In September 2004 the Comptroller and Auditor General published his first value for money study of a PPP project — in this case the bundled schools project which was one of the early pilot projects. This is a helpful report which will assist the development of PPPs into the future. The development of PPP procurement is an evolving process which we will continue to keep under review.

Special Savings Incentive Scheme.

292. **Mr. Connolly** asked the Minister for Finance if he has given consideration to the effect on the economy of the release of funds from maturing SSIA accounts between 2006 and 2007; if he proposes to provide another savings vehicle for re-investment of SSIA savings; and if he will make a statement on the matter. [19120/05]

Minister for Finance (Mr. Cowen): The SSIA scheme opened on 1 May 2001 and entry to it closed on 30 April 2002. The accounts are due to mature between May 2006 and April 2007. A total of 1.17 million accounts were opened during the period outlined.

The impact of maturing SSIA funds on the economy in 2006 and 2007 is subject to ongoing consideration within my Department. The impact on consumer demand 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 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, or around 55%, mature. To date, a number of reports have been prepared regarding the impact of the SSIA's by, amongst others, Goodbody Stockbrokers, Lansdowne Market Research, the Irish Mortgage Corporation and the Bank of Ireland. However, there is no consensus in these reports as to how these funds may be used. It is inevitable that there will be 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.

As regards a further scheme, the specific goal of the SSIA scheme was to encourage people to save over a period of at least five years. Its effect has been to stimulate such savings over varying income ranges which is evident in the extensive take-up by many low income earners. The scheme has been a success in those terms. The scheme has a specific duration. Any proposals for tax-based incentives for the re-investment of SSIA savings or continuation of savings would be considered as part of the normal annual budgetary process taking account of public policy objectives and Exchequer cost implications. The use to which the monies arising on maturity of the SSIA's are put is ultimately a matter for the individual account holder.

Tax Code.

293. **Mr. Connolly** asked the Minister for Finance if he proposes to introduce a carbon tax in the foreseeable future; and if he will make a statement on the matter. [19121/05]

Minister for Finance (Mr. Cowen): The Government decided in September 2004 not to introduce a carbon energy tax. A great deal of work went into examining how a carbon energy tax could be implemented and its likely effects in environmental, economic and social terms. In this respect the Government decided that a carbon tax was not an appropriate policy option and that, instead, it would intensify action on the non-tax measures under the National Climate Change Strategy, for the following reasons.

First, the Government concluded that the environmental benefits of such a tax would not justify the difficulties that would arise, particularly for households, from the introduction of such a tax. In this respect, the carbon energy tax would have imposed price increases on many products already suffering sharp increases, partly

as a result of recent increases in international oil prices.

Second, in considering the introduction of such a tax my Department carried out an extensive consultation process in which 117 written submissions were received. Over half of those who expressed a view on the carbon tax were against it including a number of significant representative bodies. Even some of those who had no difficulty with a carbon tax in principle sought exemptions for various sectors and purposes.

Decentralisation Programme.

294. **Mr. P. Breen** asked the Minister for Finance the status of and progress made in the planned decentralisation of an office of the Revenue Commissioners and debt management work from the Collector General's Office to Kilrush, County Clare; and if he will make a statement on the matter. [19138/05]

Minister for Finance (Mr. Cowen): In accordance with the Government's decentralisation programme the Revenue Commissioners will decentralise 50 posts to Kilrush. The Decentralisation Implementation Group, or DIG, which was established to drive forward the implementation of the programme requested all decentralising organisations to prepare and submit implementation plans.

I am informed by the Revenue Commissioners that they have, as requested, prepared and submitted an implementation plan to the DIG for Kilrush and that this plan is being progressed.

An analysis of first preference applications from the central applications facility indicates that there are 65 applicants for Kilrush.

Internal information seminars with regard to the transfer of work from the Collector General's Office to the new locations in the mid-west region, which includes Kilrush, have been completed. Letters of offer for transfer to Kilrush were issued to staff on 10th June 2005. In relation to property acquisition, I understand that negotiations regarding a suitable location are ongoing with the Office of Public Works.

Tax Code.

295. **Mr. Stanton** asked the Minister for Finance the incentives in place to support the provision of child care by employers and business; and if he will make a statement on the matter. [19182/05]

Minister for Finance (Mr. Cowen): There are two tax incentives within the tax code to support the provision of child care by employers and business, an exemption from a benefit-in-kind charge where employers provide free or subsidised child care for their employees and capital allowances available for expenditure on child care facilities.

The benefit-in-kind exemption where employers provide free or subsidised child care for their employees applies whether the employer provides the facilities "in-house" or in a premises

[Mr. Cowen.]
made available by the employer in another location. The exemption also applies if an employer provides child care facilities jointly with others, for example, with other employers. The exemption also covers situations where an employer makes a contribution to the capital costs of an independent supplier of child care facilities.

Capital allowances are available for expenditure incurred on or after 2 December 1998 on child care facilities which meet the required standards for such facilities as provided in the Child care Act, 1991. The allowances apply to expenditure incurred on the construction, extension and refurbishment of a building or part of a building used as a child care facility as well as to expenditure on the conversion of an existing building or part of a building for use as a child care facility. For expenditure incurred on or from 1 December 1999, 100% capital allowances are available in year one. There will be a clawback of the allowances, in the form of a balancing charge, if the building ceases to be used as a child care facility within ten years.

I would point out that this Government remains firmly committed to supporting working parents with their child care needs through increased capacity, choice and service quality. These aims are the hallmark of the Government's child care strategy. To this end considerable progress has already been achieved, in terms of increasing the supply of centre based child care places, through the Equal Opportunities Child-care Programme 2000-2006.

The current equal opportunities childcare programme, a seven year programme, has both an equal opportunities and social inclusion focus and facilitates the further development and expansion of childcare facilities to address the needs of parents, in reconciling their family life with their participation in employment, education and training. It aims to increase the supply of centre based child care places by 55% by the end of the programme.

The programme provides funding for small scale self-employed providers and larger commercial providers as well as community and not-for-profit consortia of private and community groups towards the building, renovation, upgrading or equipping of child care facilities.

Since it was launched in 2000, the funding for the programme for the 2000-2006 period has increased from €317 million to €499.3 million or by 57%, the most recent increase being €50 million in budget 2005. The multi-annual capital envelopes announced on budget day also included the injection of a further €40 million in additional capital funding into child care between the end of the programme and 2009.

It is expected that the total funding committed under the programme to date will lead to the creation of 33,946 new child care places, and will support another 29,556 existing places. Of the

new child care places being created, 24,636 places had been put in place by December 2004, an increase of 43% in the supply of child care places in four years. These new places offer parents greater access to child care throughout the country as they balance their work and family needs.

Ministerial Travel.

296. **Mr. Allen** asked the Minister for Finance the most up to date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19186/05]

Minister for Finance (Mr. Cowen): I visited Savannah and Atlanta, in the United States, for the St. Patrick's Day celebrations and to attend at a number of other events promoting Ireland abroad. My wife, Mary, and my special adviser, Mr. Gerry Steadman, travelled with me in my official party. The visit covered the period 13 March to 20 March. While all invoices have not yet been received it is estimated that the cost of the visit, including the costs of flights, hotels, subsistence and car hire, will amount to approximately €33,000.

Freedom of Information.

297. **Mr. Gogarty** asked the Minister for Finance when Bord Gais will be covered under the Freedom of Information Act 1997. [19206/05]

Minister for Finance (Mr. Cowen): I expect consideration of the public bodies being brought under FOI during 2005 to be finalised within the coming weeks. Pending publication of the details of the extension, I do not propose to make any further statements about individual bodies in this regard.

Disabled Drivers.

298. **Mr. O'Dowd** asked the Minister for Finance if an early assessment will be made by the Disabled Drivers Medical Board of Appeal in respect of an appeal made by a person (details supplied) in County Louth; and if he will make a statement on the matter. [19211/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers (tax concessions) scheme.

Queries on individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin or alternatively by telephone at 01 2355279.

299. **Mr. O'Dowd** asked the Minister for Finance if an early assessment will be made by the Disabled Drivers Medical Board of Appeal in respect of an appeal made by a person (details supplied) in County Louth; and if he will make a statement on the matter. [19213/05]

Minister for Finance (Mr. Cowen): I have no direct responsibility for the day to day operation of the medical board of appeal for the disabled drivers and disabled passengers (tax concessions) scheme.

Queries on individual cases may be addressed to the secretary of the disabled drivers medical board of appeal, c/o National Rehabilitation Hospital, Dún Laoghaire, County Dublin or alternatively by telephone at 01 2355279.

Tax Code.

300. **Mr. Morgan** asked the Minister for Finance the cost to the State in terms of lost revenue of Section 23 tax relief in each of the past three years; and if he will make a statement on the matter. [19278/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that, until recently, claims for Section 23 relief were aggregated in tax returns with other claims and were not separately identifiable. Details of tax relief claimed for investment in these schemes were not captured by the Office of the Revenue Commissioners in such a way as to provide a specific basis for compiling estimates of the total annual cost to the Exchequer. Claims for these reliefs were aggregated in tax returns with other claims, such as with industrial buildings allowances generally or with other capital allowances, and did not distinguish between the reliefs claimed in respect of the different schemes.

My Department has been working closely with the Revenue Commissioners to examine how information capture in this area could be improved and the Revenue Commissioners have recently introduced changes to the income tax returns forms which are intended to yield additional information on the take-up of a range of reliefs claimed by individuals. This would include information on claims in respect of Section 23 reliefs. This information will begin to become available from late 2005. Corresponding changes have been made to the corporation tax return form which will produce similar information for accounting periods ending in 2005 and subsequent years.

State Property.

301. **Mr. Howlin** asked the Minister for Finance if the OPW has acquired a site for the new Garda divisional headquarters in Wexford town; the location of the site and the amount paid; if the views of local public representatives were taken into account in deciding on the best site; and if he will make a statement on the matter. [19301/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works are considering the purchase of a new site for a divisional headquarters Garda station in Wexford town. As soon as the formal approval of the Department of Justice, Equality and Law Reform and the Garda authorities is received, the

legal formalities will be dealt with as quickly as possible.

Debt Cancellation.

302. **Caoimhghín Ó Caoláin** asked the Minister for Finance if his attention has been drawn to the campaign for the sale of IMF gold to fund debt cancellation; if he supports this campaign; and if he will make a statement on the matter. [19339/05]

Minister for Finance (Mr. Cowen): I refer the Deputy to my replies to the House on a number of occasions between 8 March and 20 May 2005, on the subject of the use of IMF resources such as gold to fund debt relief in developing countries.

Adequate financing for debt relief is an essential precondition if such relief is to make a real difference in reducing poverty in many parts of the world. It is important to adequately finance the relief of debts owed to the International Monetary Fund so that the fund can continue to play a role in the poorest countries.

At the recent spring meetings of the IMF and World Bank there was preliminary discussion of key issues regarding proposals for further multi-lateral debt relief and its financing options. The meeting called for further discussion with shareholders and examination of the issues, including the possible use of IMF resources, by the time of annual meetings of the IMF and World Bank in the autumn. Financing the development agenda remains a significant challenge and substantial increases will be needed in order to progress to the targets of the Millennium Development Goals.

I welcome the progress in relation to proposals for debt cancellation announced over the weekend following the G8 Finance Ministers' meeting, in preparation for the G8 summit to be held in Gleneagles in July. It is understood that the G8 proposals to fund debt cancellation will be put to the annual meetings of the International Financial Institutions.

Tax Yield.

303. **Mr. Hogan** asked the Minister for Finance if he will provide aggregate data on the total amount of corporation tax received from the retail and wholesale grocery sector during each of the tax years from 2002 to 2004; if corporation tax is levied on companies that operate from an unlimited liability structure; and if he will make a statement on the matter. [19340/05]

Minister for Finance (Mr. Cowen): Corporation tax is charged on the profits of companies, including unlimited companies.

As regards corporation tax receipts, I am informed by the Revenue Commissioners that the latest relevant information available is the corporation tax liability in respect of accounting periods ending between 1 January 2002 and 31 December 2003. To the extent that the figures relating to the retail and wholesale grocery sector

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can be separately identified they are set out in the following table.

Corporation Tax Liability of Wholesale and Retail Sector.

Accounting periods ending 31st December	Corporation tax liability €m
2002	170
2003	164

The figures include the total tax liabilities of certain retail outlets which trade simultaneously in groceries and other types of goods at common locations. The grocery element of these cannot be separately identified on tax records. The above estimates must be regarded as very tentative.

Tax Code.

304. **Mr. P. McGrath** asked the Minister for Finance the number of persons aged over 65 years who pay tax at 20% only and 42%. [19348/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that on the basis of income tax returns received for 2002, the latest year for which the relevant figures are available, it is estimated that some 24,200 income earners aged 65 years and over were liable to income tax at the 20% rate and a further 18,500 income earners aged 65 years were liable to tax at the 42% rate. In addition to these numbers, some 93,100 in the same age group were exempt from income tax altogether and a further 13,300 were liable to tax at the marginal relief rate of taxation which applies to incomes which are not greatly in excess of the age exemption limits.

It should be noted that in the case of social welfare pension income, the extent to which taxation actually arises in a given case depends on the amount of other income that the social welfare recipient, or the recipient's spouse, has in the particular tax year. If there is no other income in addition to the social welfare payment, the existing exemption limits or tax credits can be expected to ensure that there is no tax to be paid on the social welfare income itself. A married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

305. **Mr. P. McGrath** asked the Minister for Finance the amount of income tax collected in the past tax year from old age pensioners. [19349/05]

Minister for Finance (Mr. Cowen): Entitlement to the old age pension, whether contributory or non-contributory, arises from the age of 66 years. I am advised by the Revenue Commissioners that their income tax statistics do not generally distinguish between the amounts of tax that arise from pensions and from other sources. However, it is tentatively estimated that for 2002, the latest year for which information is available, the total

tax liability on the combined pension and other income of income earners aged 65 years or over was of the order of €220 million.

In the case of social welfare pension income, the extent to which taxation actually arises in a given case depends on the amount of other income that the social welfare recipient, or the recipient's spouse, has in the particular tax year. If there is no other income in addition to the social welfare payment, the existing exemption limits or tax credits can be expected to ensure that there is no tax to be paid on the social welfare income itself.

Questions Nos. 306 and 307 answered with Question No. 289.

Flood Relief.

308. **Mr. P. Breen** asked the Minister for Finance the reason Ennis was not included in the flood relief measures announced in May 2005 (details supplied); and if he will make a statement on the matter. [19386/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have prepared a flood relief scheme for the town of Ennis and it is intended to bring this scheme to statutory public exhibition stage before the end of the year. In the light of observations received arising out of the exhibition process, the scheme will be further reviewed and amended, if necessary, and the sanction of the Minister for Finance to proceed to detailed design and tender stage will then be sought.

Flood Relief.

309. **Mr. Morgan** asked the Minister for Finance the amount of funding which is required to implement the recommendations of the coastal study on the Dodder; the amount of funding which is required to improve the defence between London Bridge Road and Newbridge Avenue on the east side of the river; and if his Department will release this funding to Dublin City Council. [19452/05]

310. **Mr. Morgan** asked the Minister for Finance the amount of funding which is being given to Dublin to improve its flood protection; and the criteria by which this is allocated. [19453/05]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 309 and 310 together.

Since the major flooding in 2002, the Office of Public Works, OPW, in co-operation with Dublin City Council, Fingal County Council and Meath County Council, has been implementing flood alleviation measures recommended in the River Tolka flooding study that was under way at the time. In carrying out those works in Dublin, the OPW and Dublin City Council have pursued a policy of completing work in areas where there

was the highest risk of flooding. Those works have now mostly been completed.

The OPW has to date allocated funding of €1.6 million to Dublin City Council to construct flood barriers along a portion of the Dodder river, following the severe flooding event in Dublin in February 2002. The OPW has had preliminary discussions with city council officials regarding the need for further works on the Dodder. It is not possible at this stage to say what funding will be required for those works.

The Dublin coastal flooding protection study which was commissioned by Dublin City Council and part-funded by the OPW and the Department of Communications, Marine and Natural Resources which has responsibility for coastal and tidal flooding examined the causes and impacts of flooding from Portmarnock to Booterstown. A draft report was received by the OPW some months ago, and preliminary discussions have taken place with Dublin City Council officials and officials from the Department of Communications, Marine and Natural Resources. A further revised version of the draft report has been received from Dublin City Council in the past few weeks. The draft report is a very detailed document and is currently being examined, but that will take some time because of its size and complexity.

The flood defence proposals contained in the draft report are estimated to cost over €100 million. It is anticipated that the measures recommended will need to be carried out on an incremental basis over several years. Requests for funding from the OPW for measures where the risk of flooding arises from a combination of tidal and fluvial influences will have to be carefully considered and prioritised in the context of the OPW's annual budget for flood relief projects, the large number of flood alleviation projects currently being advanced by the OPW and the urgency attaching to the various measures recommended in the coastal study report.

311. **Mr. Gregory** asked the Minister for Finance, further to Parliamentary Question No. 267 of 10 June 2003, if a decision has yet been made by the OPW regarding the remaining sections of the river wall at the rear of houses on Tolka Road, Dublin 3, which have not been strengthened and at which protective railings need replacement. [19480/05]

Minister of State at the Department of Finance (Mr. Parlon): The OPW is undertaking the Tolka flood relief works on behalf of Dublin City Council. All works requested by the city council regarding the protection of houses on Tolka Road arising out of the flooding of the River Tolka in November 2002 have now been completed by the Office of Public Works. I will bring the Deputy's question to the attention of city council officials.

Tax Collection.

312. **Mr. Gregory** asked the Minister for Finance if a person (details supplied) in Dublin 3 will be allowed six months to pay an outstanding amount of stamp duty without penalty interest being charged. [19481/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that they previously received representations on this matter when it was agreed to grant the taxpayer a period of 21 days from 25 April 2005 to pay the balance of stamp duty due without incurring penalties and interest.

The taxpayer completed the purchase of a house on 17 November 2004. The solicitors acting in the case were issued with an assessment for stamp duty due of €10,125 on 1 December 2004. The taxpayer's solicitors presented the sum of €9,450.50 as a payment on account on 2 December 2004 in this case. However, the balance due of €674.50 remains outstanding to this date.

Daily interest is charged at the rate of 0.0273% from 1 April 2005 and at the rate of 0.0322% prior to 31 March on any outstanding amount of stamp duty. The objective of the interest element is to compensate the Exchequer for the loss of the use of the funds from the tax that had not been paid on time. A further penalty arises of 10% of the outstanding duty where the delay in payment is between one and six months, 20% where the delay is between six and 12 months, and 30% where the delay is more than 12 months. Those further penalties are to encourage compliance to have deeds presented for assessment and stamping within the time required.

As stamp duty is a statutory charge on legal documents, there are no provisions for the reduction or waiver of the duty properly payable and already determined by letter of assessment issued on 1 December 2004. The legal instrument that gives rise to the charge for stamp duty cannot be used for registration purposes unless it is fully and properly stamped.

Pension Provisions.

313. **Ms Enright** asked the Minister for Finance if he has approved an amendment to the superannuation scheme of University College Cork to permit an employee to extend their compulsory retirement age to 68.5 years; if so, the terms and conditions of this amendment; the implications for the compulsory retirement age of other staff at the same university, at other universities and in the public sector; and if he will make a statement on the matter. [19483/05]

Minister for Finance (Mr. Cowen): Under the Universities Act 1997, any amendment to the superannuation scheme of University College Cork requires the approval of the Higher Education Authority and the consent of the Minister for Education and Science and the Minister for Finance. In my capacity as Minister for Finance,

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I recently consented to an amendment to the superannuation scheme of University College Cork. The amendment provided that the present holder of the office of president of University College Cork shall hold office for a period of ten years from 26 January 1999. By making such provision, the amendment removed the requirement to retire at age 65 from the present holder of the office. The text of the amendment is contained in statute J of UCC. I understand that, as required under the provisions of the Universities Act 1997, the statute will be laid before both Houses of the Oireachtas in due course, as a statutory instrument, by my colleague, the Minister for Education and Science.

The Public Service Superannuation (Miscellaneous Provisions) Act 2004 removed the requirement to retire on age grounds from most public servants who were appointed on or after 1 April 2004. The compulsory retirement age for staff in the education sector who were appointed before that date is primarily a matter for the Minister for Education and Science.

Tax Code.

314. **Mr. Bruton** asked the Minister for Finance the number of persons who are qualifying for the home carer's credit; the aggregate cost of this cre-

Income Earners	Married, one spouse earning	Married, two spouses earning	Single with children	Single no children	Widowed with children	Widowed no children	Total
Liable to income tax	229,100	320,000	44,500	631,400	5,900	22,900	1,253,800
Exempt from tax	132,300	48,300	44,800	391,700	4,300	35,100	656,500
Total	361,400	368,300	89,300	1,023,100	10,200	58,000	1,910,300

Figures are rounded to the nearest 100. A married couple that has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

Those figures are provisional and are subject to revision.

316. **Mr. Bruton** asked the Minister for Finance the cost of increasing the married one-income standard rate cut-off point from €38,400 to €58,800. [19486/05]

Minister for Finance (Mr. Cowen): I assume that what the Deputy has in mind is a band structure where: the value of the married one-earner band would be €58,800; the value of the married two-earner band would also be €58,800, with no restriction on transferability between spouses; the value of the single band would be €29,400; and the value of the lone or widowed parent band would be €33,400. I am informed by the Revenue Commissioners that the estimated cost of such a band structure would be about €640 million in a full year.

dit; and the cost of increasing this credit by €500, €1,000 and €1,500 respectively. [19484/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the numbers of taxpayers availing of the home carer tax credit for the income tax year 2005 is estimated to be 108,000, at a full-year cost to the Exchequer of the order of €80 million. The full-year cost to the Exchequer of the increases of €500, €1,000 and €1,500 mentioned by the Deputy is estimated at approximately €45 million, €87 million and €125 million, respectively. Those figures are provisional and may be subject to revision.

The figure given for the cost of the home carer tax credit is a downward revision of a figure provided in reply to a previous related question given on 19 April last. The revision was necessitated by new information becoming available in the interim.

315. **Mr. Bruton** asked the Minister for Finance the distribution of taxpayers between single, widowed, one-parent family, married, one-income and married two-income units. [19485/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the estimated distribution of income earners for 2005 across the various categories mentioned by the Deputy is as shown in the following table.

317. **Mr. Perry** asked the Minister for Finance his plans to include tax incentives with particular references to thatched premises in the tourism sector; and if he will make a statement on the matter. [19510/05]

Minister for Finance (Mr. Cowen): There are no proposals to introduce tax incentives with particular reference to thatched premises in the tourism sector. Funding is, however, available through a grants scheme operated by my colleague, Deputy Roche, the Minister for the Environment, Heritage and Local Government, whereby assistance is available in respect of the cost of preserving and restoring thatched roofing. I am satisfied that this grants scheme is the appropriate mechanism for encouraging the preservation and renovation of thatched roofing, rather than the introduction of a specific tax incentive scheme.

318. **Mr. Quinn** asked the Minister for Finance the reason the VAT annual return of trading details continues to relate to the year commen-

cing on 6 April in view of the general change in the tax year in order to relate to the calendar year; if his attention has been drawn to the fact that the co-existence of different accounting years causes inconvenience to taxpayers; and when he will arrange for the realignment of the VAT annual return period with the calendar year commencing on 1 January. [19511/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the VAT annual return of trading details is not specifically related to the year commencing 6 April. In the case of a sole trader, the taxpayer decides on the 12-month period to be covered by the return, and the Revenue Commissioners issue the relevant form for completion accordingly. In the case of a company, the period for the return of trading details is aligned to the accounting period used by the company for corporation tax purposes.

Given the flexibility available to taxpayers as outlined, there is no need for realignment of the VAT annual returns period with the calendar year. However, if the Deputy is aware of a particular taxpayer who wishes to change his or her selected VAT return period, the necessary arrangements can be made by contacting the Collector General's Office, Sarsfield House, Limerick.

National Development Plan.

319. **Dr. Cowley** asked the Minister for Finance the expenditure shortfall to date in the BMW

region under the NDP; his plans to make up this shortfall in the remaining years of the national development plan; and if he will make a statement on the matter. [19621/05]

Minister for Finance (Mr. Cowen): The national development plan, NDP, provides an indicative expenditure profile for each of the seven operational programmes, for the Border, midlands and western, BMW, and southern and eastern regions for each year from 2000 to 2006. Those profiles were set in 2000 when the operational programmes were prepared. The levels of resources allocated annually are determined by public expenditure ceilings set by the Government, taking account of the wider budgetary considerations and the requirements of economic stability. European Structural Funds are profiled to ensure consistency with the EU budget commitments of such funds to each operational programme for each year of the NDP. However, expenditure under the EU-funded elements of the operational programmes continues until the end of 2008. To ensure consistency of reporting, progress on expenditure is reported against the original profile of expenditure.

The table below sets out the expenditure reported for the BMW region to the monitoring committee for each operational programme to the end of 2004 — the latest period for which completed reports are available. In the case of measures funded by the Structural Funds, expenditure has been profiled for each year from 2000 to 2006, even though spending on those will continue to the end of 2008 in the BMW region.

Operational Programme	BMW Profile 2000-2004	BMW Expenditure 2000-2004	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	4,775	4,291	90
Employment and Human Resources Development	3,102	2,921	94
Productive Sector	1,796	602	34
Border, Midlands and Western Region	2,880	1,761	61
PEACE II and Technical Assistance	144	66	49
Total	12,697	9,641	76

Includes all NDP sources of funding; Exchequer, EU and Private.

I have already acknowledged that expenditure in the BMW region is behind the indicative target set out in the plan. I expect expenditure to show an increase in the BMW region over the remaining years of the NDP.

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. 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 in order that progress can be made on rectifying the existing imbalance. I am confident that sufficient expenditure will be

incurred to draw down the structural funds allocation for the BMW region.

Tax Collection.

320. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare received all of their tax allowances for each of the past three years; and if he will make a statement on the matter. [19637/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that PAYE balancing statements for the years 2002, 2003 and 2004, granting all tax credits due to the taxpayer, will issue in the coming days.

Tax Yield.

321. **Mr. Morgan** asked the Minister for Finance the tax revenue raised by the financial services sector here for the Exchequer in each of the past five years. [19838/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that figures for the estimated corporation tax paid in the years 2000 to 2004, inclusive, by banks, their Irish subsidiaries, banking activities in the IFSC, insurance companies and building societies are shown in the following table.

Year	Estimated corporation tax yield from the financial services sector
	€m
2000	965
2001	1,080
2002	1,280
2003	1,100
2004	1,300

The amounts do not include foreign tax paid by Irish financial institutions in respect of their overseas operations, which is likely to be significant. Specific annual contributions to the Exchequer of €103.2 million in 2003 and €102.8 million in 2004 were also made by certain deposit-taking institutions.

Other taxes remitted by the banking sector such as PAYE, DIRT on deposit interest and stamp duties on credit cards, ATM cards and cheques are not included in the figures given, since the tax liability is not on the banks themselves.

Decentralisation Programme.

322. **Mr. Neville** asked the Minister for Finance the position regarding decentralisation of the Revenue Commissioners to Newcastle West, County Limerick. [19869/05]

Minister for Finance (Mr. Cowen): In accordance with the Government's decentralisation programme, the Revenue Commissioners will decentralise 50 posts to Newcastle West. The decentralisation implementation group, DIG, which was established to drive forward the implementation of the programme requested all decentralising organisations to prepare and submit implementation plans. I am informed by the Revenue Commissioners that they have, as requested, prepared and submitted an implementation plan to the DIG for Newcastle West and that this plan is being progressed.

An analysis of first preferences applications from the central application facility indicates that there are 81 applicants for Newcastle West.

Internal information seminars with regard to the transfer of work from the Collector General's Office to the new locations in the mid-west region which includes Newcastle West have been com-

pleted. Letters of offer for transfer to Newcastle West were issued to staff on 10 June 2005.

Further progress on decentralisation of Revenue staff to Newcastle West is dependent on the availability of accommodation. A site has been acquired, and the Office of Public Works is considering a design and build solution.

National Development Plan.

323. **Mr. Connolly** asked the Minister for Finance if he proposes to introduce a new national development plan post-2006; the range and prioritisation of projects contained therein; and if he will make a statement on the matter. [19978/05]

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 from 2007 to 2013 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. That is a major innovation and provides a medium-term financial framework for public capital investment. That gives Departments and implementing agencies relative financial certainty to plan capital programmes and projects in the medium term.

As regards project prioritisation, that is already generally delegated to Departments and agencies which must exercise that 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.

National Minimum Wage.

324. **Mr. Connolly** asked the Minister for Finance the effect that the increase in the national minimum wage to €7.65 per hour will have on restoring persons on the minimum wage to the tax net; if he has plans to exempt such persons from the tax net in future; and if he will make a statement on the matter. [19979/05]

Minister for Finance (Mr. Cowen): Since the Government introduced the minimum wage in April 2000, it has increased in value by almost 37%, taking account the latest increase on 1 May 2005. We now have one of the highest minimum wages in Europe. On an annualised basis, it stands at €15,515, based on a 39-hour week.

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, that group will of necessity include part-time workers earning more than the minimum hourly wage, and certain pensioners whose earnings are in the equivalent range. The 37,000 should therefore be seen as the upper band for any estimate of the number who may ultimately come into the tax net on a full year basis as a result of the minimum wage increase.

The 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 in the next few years, consistent with the Government's overall economic and budgetary strategy.

Harbours and Piers.

325. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he will provide funding for a feasibility study as sought by Clare County Council regarding the future extension of Doonbeg Pier, County Clare, which will include site investigation and a full report; and if he will make a statement on the matter. [18958/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The position in relation to the provision of funding for Doonbeg Pier is as outlined in my reply to Parliamentary Question No. 250, dated 26 April 2005.

326. **Mr. P. Breen** asked the Minister for Communications, Marine and Natural Resources if he will provide funding in conjunction with Clare County Council to upgrade and dredge silt from the slipway at Seafield, Quilty, County Clare; and if he will make a statement on the matter. [18959/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Seafield Pier, Quilty is owned by Clare County Council, and responsibility for its repair and maintenance rests with the local authority in the first instance.

The Department has not, to date, received an application from Clare County Council to upgrade and dredge silt from the slipway at Seafield Pier, Quilty. The question of providing funding for the works in question will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Fisheries Protection.

327. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the number of salmon and trout tags his Depart-

ment purchased in red, green, white, blue and orange in 2001, 2002, 2003 and 2004; and if he will make a statement on the matter. [18985/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The management of the salmon and trout tagging scheme is the responsibility of the Central Fisheries Board and the regional fisheries boards. It has not been possible within the time available to gather the information sought by the Deputy from the boards. I have, however, asked the chief executive of the Central Fisheries Board to compile the information sought by the Deputy for the years in question and to forward it directly to the Deputy as soon as possible.

Offshore Exploration.

328. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources the position in relation to the development of the Corrib gas field; and if he will make a statement on the matter. [19116/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The development of the Corrib gas field is progressing. While my Department has issued all consents for the project, the pipeline consent to construct was essentially permission in principle to proceed with the design process for the pipeline. That has now been done. At present my Department is considering an application for consent to install the on-shore pipeline, which was a condition attaching to the consent to construct a pipeline. I expect to be in a position to make a decision shortly with regard to that application.

Work is also under way on the development of the terminal, including the movement and relocation of peat to the Srahmore peat deposition site. First gas is expected early in 2007, and my specific consent is required for it.

Telecommunications Services.

329. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources his observations on the low uptake of broadband Internet access; and if he will make a statement on the matter. [19117/05]

336. **Mr. O'Connor** asked the Minister for Communications, Marine and Natural Resources the estimated cost of providing a guaranteed full broadband service to all towns in the State; and if he will make a statement on the matter. [19269/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 329 and 336 together.

The latest figures from EUROSTAT relate to 2004 and are now almost six months old. They show, however, that Ireland is placed 20th of 26 countries in respect of broadband connections for all enterprises. The figure in respect of large enterprises is 79%, placing Ireland in 16th place.

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EUROSTAT also reports that 92% of all Irish enterprises have access to the Internet, which is ninth in the table, while for large enterprises the figure for Internet access is 100%.

The level of Internet access for households is 40%, or 11th place in the table, and 3% have a broadband connection. The number of broadband customers in Ireland is increasing rapidly and now stands in the region of 160,000. For comparison, the January 2004 figure was 35,000. The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation, ComReg.

The rate of broadband uptake is dependent on a combination of factors. Those include access by service providers to suitable infrastructure, as well as competition between broadband service providers and the market demand for broadband in the economy. The Government is acting on the broadband penetration figures in a number of areas. The regional broadband programme is addressing the infrastructural deficit, in co-operation with the local and regional authorities, by building high speed, open access metropolitan area networks, MANs, in 120 towns and cities nationwide, using the European Regional Development Fund and Government funding under the National Development Plan 2000-2006.

The MANs programme is being rolled out on a phased basis, and the 19 networks completed to date have come in on time and within budget. Work is currently under way on seven MANs, and construction of a further 82 will commence during the next 12 months. Full details of the regional broadband programme can be found on my Department's website, www.dcmnr.gov.ie.

For smaller towns and rural communities, my Department offers grant aid of up to 55% of set-up costs to enable local groups to become self-sufficient in broadband, using the most suitable technology for their area. Full details of the county and group broadband scheme are on www.gbs.gov.ie. Under the broadband for schools project, every one of the 4,200 primary and post-primary schools in the country will be provided with broadband by the end of this year.

According to ComReg, there are over 45 different broadband offerings across a variety of technologies, including digital subscriber lines, fibre, cable, leased lines and satellite technology. In essence, there are broadband technologies that can deliver broadband to any broadband consumer in Ireland. The Government's broadband target is to be within the top half of EU countries by the end of 2007. The MANs infrastructure is being put in place by the State and will remain State-owned, offering open access to the industry that will enable it vigorously to market broadband in all areas. I have set the industry a target of 500,000 broadband customers by the end of

2006. That means a market penetration of around 14% of the overall population which I feel is within reach when account is taken of all the technology options available.

Television Reception.

330. **Mr. Connolly** asked the Minister for Communications, Marine and Natural Resources the position with regard to his discussions with UK authorities regarding the broadcasting of Irish television channels in the UK; and if he will make a statement on the matter. [19118/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Question No. 89 of 5 February 2005.

Fishing Vessel Licences.

331. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if, in the event of the sale of the *Atlantic Dawn* fishing trawler with the quota of 14,000 tonnage, it will revert back to the State; and, if not, will the State be compensated for it; and if he will make a statement on the matter. [19169/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In the event of the sale of a fishing boat entered on the fishing boat register, the former owner is required to apply to have the vessel removed from the register. Upon de-registration, the former owner retains the entitlement to the capacity of the vessel. The capacity of the vessel in question is subject to these provisions in the same way as any other fishing boat. However, it should be noted that particular conditions attach to the capacity of the vessel in question which would also attach to a replacement vessel, including a restriction on the number of days the vessel may operate in EU waters.

Ministerial Travel.

332. **Mr. Allen** asked the Minister for Communications, Marine and Natural Resources the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19187/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply to Parliamentary Question No. 396 on Tuesday, 12 April 2005. I can confirm that this is the definitive information.

Offshore Exploration.

333. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources the reason independent consultants hired by his Department to review the safety of the Corrib gas onshore pipeline are part-owned by the project's major shareholder (details supplied); if he will

defer any decision to grant consent to install and commission the Corrib gas pipeline in the interest of the health and safety of the Erris residents; if the only option available is an offshore oil terminal; and if he will make a statement on the matter. [19199/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I gave a commitment in the Dáil in March 2005 to undertake a review of the developer's quantified risk assessment, QRA, for the Corrib gas field upstream onshore pipeline. Tenders for the QRA were invited from four companies with requisite competencies. The company which was successful following this tendering process was British Pipeline Agency Limited, BPA.

Following media queries on 25 May 2005, my Department became aware that the company selected to undertake the QRA review is owned jointly by BP Oil UK Limited and Shell UK Oil Limited. Notwithstanding the fact that BP Oil UK and Shell UK Oil Limited own the company jointly, BPA remains of the view that there is no conflict of interest. While I accept that BPA has completed the review in a fully professional and objective manner, I remain conscious of the association of Shell UK Oil Limited with BPA by means of its 50% ownership of the company, and I regret that this situation ever arose. In the interest of ensuring confidence in the independence of the process of evaluation of the safety aspects of the pipeline as addressed by the QRA version F, and considering the public concerns and sensitivities on the issue, I instructed officials of my Department to initiate a further review of the QRA. I can confirm that my Department has engaged a consultant to carry out a further review of the QRA and that the consultant's report, when to hand, will be put into the public domain.

A decision on the developer's application for consent to install the onshore pipeline is at an advanced stage but is not yet finalised. I will make a decision when the report has been assessed.

334. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources the number of natural gas-related explosions which have taken place in the past ten years on a yearly basis. [19207/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I am advised by Bord Gáis Éireann which maintains such records that the number of such explosions in the last ten years is as follows.

Year	Number of explosions
1995	1
1996	2
1997	2
1998	1
1999	1

Year	Number of explosions
2000	3
2001	2
2002	2
2003	1
2004	0
Total	15

Consultancy Contracts.

335. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the amount a person (details supplied) was awarded for consultancy work conducted on behalf of his Department in relation to the Corrib project in 2002. [19246/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The amount paid in respect of this consultancy in 2002 was €32,879.84.

Question No. 336 answered with Question No. 329.

Alternative Energy Projects.

337. **Mr. O'Connor** asked the Minister for Communications, Marine and Natural Resources if a target for energy consumption based on 20% renewable energy by 2010 is achievable; if additional Exchequer funding will be required to achieve such a target; if so, the amount of same; and if he will make a statement on the matter. [19270/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Within the electricity market, a target has been established to increase the amount of electricity consumed from renewable energy sources to 13.2% by 2010. That is regarded as a challenging target to achieve. Currently we have 660 MW of renewable capacity connected to our system, and to reach the 2010 target we will have to more than double the present renewable capacity. The current industry build rate shows that the required level is achievable.

The question of what higher target can be set, and in what timeframe, is one that requires further analysis and technical input, largely but not exclusively regarding grid and associated economic issues.

Offshore Exploration.

338. **Mr. O'Connor** asked the Minister for Communications, Marine and Natural Resources his views on restoring the State's 50% stake in all oil and gas finds; the likely cost of such a move; and if he will make a statement on the matter. [19271/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Deputy is referring to the conditions of State par-

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 ticipation under the 1975 licensing terms. I believe that the restoration of the 1975 terms would not make a positive contribution to petroleum exploration and development in offshore Ireland. In the context of a commercial find it would impose a substantial up-front capital contribution, while the State's share of income from such an investment would be received piecemeal over a protracted timeframe, e.g. up to 20 years.

The 1992 terms and fiscal regime were introduced to address a situation of declining exploration in offshore Ireland, especially on the Atlantic margin. Water depths here are up to ten times greater than the North Sea and make the costs of both exploration and development significantly greater than those in the North Sea. The costs are also affected by the lack of infrastructure, e.g. pipelines, platforms, terminals, which are generated by commercial finds.

The 1992 licensing terms and the fiscal regime for petroleum were introduced to address and achieve the risk-reward balance which reflects Ireland's circumstances and acknowledges the realities of competition for internationally mobile exploration and production investment. The terms and fiscal regime have been supported and implemented by every Government since their introduction.

It is difficult to offer accurate costs without disclosing confidential information. It is estimated that if the State were to acquire 50% participation in the combined estimated costs of appraisal and development for both the Seven Heads and the Corrib gas fields, the cost to the State would be of the order of several hundred million euro.

Fishing Vessel Licences.

339. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources, further to Parliamentary Questions Nos. 244 and 245 of 31 May 2005, the location at which the capacity assignment form referred to in the Parliamentary Question can be obtained. [19277/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): A capacity assignment form is available from the licensing authority for sea-fishing boats, Department of Communications, Marine and Natural Resources, Leeson Lane, Dublin 2.

Fisheries Protection.

340. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if the Lough Foyle oyster beds are protected under the Irish fisheries legislation. [19299/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under Irish legislation, measures are in place which control the move-

ment of oysters and other shellfish from bays around the coast, including Lough Foyle, in line with the requirements of EU fish health regulations.

The Department of Communications, Marine and Natural Resources is engaged in detailed discussions with the Northern Ireland Department of Agriculture and Rural Development regarding a Bill which will confer additional powers on the Loughs Agency of the Foyle and Carlingford Irish Lights Commission, as envisaged in the British-Irish Agreement Act 1999.

Fishing Vessel Licences.

341. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement clarifying the situation regarding the presence on board fishing vessels of a logbook for vessels between ten and 17 metres in length who are out from port for less than one day (details supplied). [19337/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): All fishing vessels greater than 10 m are required to keep a European Communities fishing logbook on board the vessel.

Commission Regulation 2807 of 1983 did grant an exemption to those fishing vessels of between 10 m and 17 m that make fishing voyages of a maximum duration of 24 hours. However, that exemption was rescinded by Article 1 of Commission Regulation 1965 of 2001.

European legislation now requires that all fishing vessels greater than 10 m keep on board and complete a European Communities fishing logbook, that the master of such fishing vessels record the quantities of all species of fish retained on board in amounts greater than 50 kg and that the logbook be completed not later than midnight or at the time of arrival in port. In the event of any inspection taking place at sea, the logbook must also be completed at the time of inspection.

Natural Gas Grid.

342. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that the extremely dangerous 345 bar Rossport pipeline of a company (details supplied) runs alongside the public road over significant portions of its length despite there being no precedent worldwide for such a pipeline passing through inhabited areas. [19355/05]

343. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that, with respect to version F of the risk assessment concerning the Rossport section of pipeline, it relates specifically and only to onshore, that is, refined, depressurised gas pipelines and is therefore entirely inadequate and inappropriate to gas-field pipelines operating at extremely high pressures and containing obstructive slugs such as are

proposed at Rossport, that the HAZID hazard identification model employed was developed specifically for onshore pipelines and is therefore entirely inadequate and inappropriate for that which is proposed at Rossport and that the two risks which give rise to the gravest fears, that is, explosion of the pipeline and failure of the umbilical, have entirely and specifically been excluded from analysis in the risk assessment. [19356/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 342 and 343 together.

The quantified risk assessment, QRA, version F, which was carried out on the onshore Corrib gas pipeline that will be carrying unprocessed gas to the terminal, does take into account the pressure and nature of fluids that the pipeline will carry. That QRA addresses the onshore pipeline for the Corrib gas project. That QRA was not prepared for an onshore refined gas pipeline.

To clarify the position regarding pipeline pressures, the normal operating pressure at the start of production will be 120 bar, and the absolute maximum operating pressure will be 150 bar. The design pressure is 345 bar, as this is the initial reservoir pressure, and if production is shut in at the terminal and the sub-sea and subsurface valves in the field fail to close properly, the pipeline pressure could eventually rise to that figure, although it would probably take some time for that to happen.

The capacity of 345 bar was allowed for the purpose of providing the best emergency responses in the unlikely event of emergencies arising with the transportation of gas from the field to the terminal.

344. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if, in view of his consent for the Rossport section of pipeline being founded on the original risk assessment and Johnston report, both of which are now defunct, he will acknowledge that said consent is consequently invalid and that the compulsory acquisition orders relevant thereto are null and void. [19357/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Mr. Johnston's report on the pipeline design and the quantified risk assessment, QRA, based on that design are not defunct, and therefore any consents given by my predecessors for the pipeline and the compulsory acquisition of rights over land remain valid.

The QRA, version F, was submitted in support of the developer's application for consent to install and commission the onshore pipeline. That QRA is the updated version of the original series of QRAs prepared for the onshore pipeline. It does not depart in any relevant or material manner from the original version.

Harbours and Piers.

346. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources when funding will be provided for Lecanvey Pier in County Mayo. [19431/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Lecanvey Pier is owned by Mayo County Council, and responsibility for its repair and maintenance rests with the local authority in the first instance.

The Department co-funded with Mayo County Council and the Department of Community, Rural and Gaeltacht Affairs a report entitled, An Assessment of Piers, Harbours and Landing Places in County Mayo. Lecanvey Pier is identified in that report as a marine leisure facility and is rated as category 2, a medium-term priority, where development and repairs should be considered as resources become available.

The funding available to the Department under the port infrastructure improvement programme of the National Development Plan 2000-2006 is directed at projects that improve infrastructure and facilities at key strategic fishery harbours and the construction and improvement of berthage and related facilities at smaller harbours and landing places, with a key role in maintaining jobs in fishing, aquaculture and ancillary activities. The proposed works at Lecanvey Pier do not come within the scope of that programme. There is no other funding available in the Department for marine leisure projects.

Tax Code.

347. **Mr. P. McGrath** asked the Minister for Communications, Marine and Natural Resources the number of applications he has received in response to his advertisement for expressions of interest for excise duty exemption for rapeseed oil and other such products in the context of his plans to reduce excise duty on same; the number of such applications from persons, registered companies and established oil suppliers; the criteria to be used in assessing those applications; the projected time scale for a final decision; and if he will make a statement on the matter. [19435/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The bio-fuels mineral oil tax, MOT, relief 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. 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 bio-diesel and 1 million litres of bio-ethanol.

A total of 34 applications were received under the call for proposals by the closing date. Applications were received from four individuals, 27 registered companies and several established oil suppliers operating on their own or as part of a

[Mr. N. Dempsey.] consortium. My Department and Sustainable Energy Ireland are currently evaluating the proposals. Details of the evaluation criteria were outlined in the application form, and supporting documentation provided for prospective applicants. Those are: the technical excellence and quality of the proposal; the appropriate level of project management in methodology and utilisation of resources and appropriate skills of the project team; the extent to which the proposal achieves the least-cost path for carbon dioxide equivalent emissions reduction; the approach to the dissemination of results; the market impact potential of the proposal, including its capacity to address market barriers and its capacity for replication; the approach to addressing complete supply-chain issues, including feedstock and market introduction of bio-fuels; the approach to the achievement, monitoring and maintenance of quality standards; the approach to the evaluation of market impact with respect to performance of bio-fuels; and the contribution of international competence in the field.

It is anticipated that my Department will be in a position to make recommendations to the Department of Finance by the end of June. The Department of Finance will then consider those recommendations and revert to my Department with a decision, at which stage my Department will be in a position to revert to all applicants.

Harbours and Piers.

348. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the position in relation to an application to upgrade a crane at a pier (details supplied) in County Donegal; and if he will make a statement on the matter. [19436/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Portaleen Pier in Glengad is owned by Donegal County Council, and responsibility for its repair and maintenance rests with the local authority in the first instance.

Donegal County Council recently submitted an application to upgrade the existing crane at Portaleen Pier in Glengad at an estimated total cost of €33,000. The question of providing funding for the works in question will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

Foreshore Licences.

349. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources the number of times a restaurant (details supplied) in County Donegal was refused a foreshore licence or asked for additional information; the length of time such applications go back; and if he will make a statement on the matter. [19502/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): An application was made in October 1998 to purchase or lease an area of foreshore at Rathmullen to provide extra car parking spaces for a proposed restaurant extension. Consideration of the application was deferred until the application for planning permission for the proposed development had been determined, as it is more appropriate that the necessary consent under the planning process be obtained before the foreshore application is dealt with.

The applicant reapplied in December 2001 for a lease for the purpose of constructing a car park, a wastewater treatment system, and a sea wall with rock armour. Processing of that application was deferred, as further information had to be requested from the applicant's adviser.

The applicant subsequently reduced the area that he was applying for, and that necessitated another new application. That application was received in January 2004. While examining the application, the Department's engineering division expressed some concerns about the effluent treatment aspect of the proposal and requested additional information on that matter. The applicant and his advisers subsequently met the Department's engineers. At the meeting, the applicant agreed to change from the originally proposed percolation treatment to a connection to the Rathmullen sewerage scheme. Donegal County Council agreed to that change.

In light of that modification of the proposal, and having considered all other relevant aspects of the project, including its possible amenity implications, the Department recommended to me that a foreshore lease should be granted. I accepted that recommendation, and the applicants have been notified accordingly.

Marine Safety.

350. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he has been informed of a decision of the board of the Port of Waterford Company to privatise the pilot boat service for the port; and if he will make a statement on the matter. [19512/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Port of Waterford Company informs the Department that it has made no decision regarding the future of the pilot boat service.

ESB Conservation Measures.

351. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if the ESB conservation division is involved directly or indirectly in the commercial extraction of eels from its weirs on the Shannon; and if he will make a statement on the matter. [19562/05]

352. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if the ESB conservation division is involved directly or through third parties in the commercial extraction of eels from its weirs on the Shannon; the financial arrangements of same; and if he will make a statement on the matter. [19563/05]

353. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the mechanisms in place in order that glass eels entering the estuary will safely reach the upper reaches of the Shannon system; if he proposes to introduce a restocking programme; and if he will make a statement on the matter. [19564/05]

354. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his Department's plans to carry out an investigation into the activities of a company (details supplied); if so, if he intends to publish the findings; and if he will make a statement on the matter. [19565/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 351 to 354, inclusive, together.

I am advised that the ESB commissions a brown eel monitoring programme on the Shannon under the scientific direction of NUI Galway. The purpose of that programme is to ensure that eel stocks are monitored and conserved in accordance with best practice. The ESB has no commercial interest in the disposal of any eels caught as part of the brown eel programme.

A contractor is employed to remove the eels at Killaloe, where the ESB operates eel weirs, to protect them from potential damage from the turbines at Ardnacrusha. A large proportion of the eels removed are reintroduced to the river beyond the turbines to ensure adequate escapement for spawning.

The extraction of eels at Killaloe is carried out by contract under normal ESB tendering arrangements. Juvenile eels reaching the dam at Ardnacrusha are called elvers. It is the responsibility of the ESB to ensure that juvenile eels can access the Shannon catchment above the hydroelectric power station at Ardnacrusha.

The ESB has undertaken several programmes to facilitate the capture and distribution of glass, or juvenile, eels. In recent years, licences have been issued only to the Shannon Regional Fisheries Board in partnership with the ESB to capture juvenile eels. The ESB, in partnership with the Shannon Regional Fisheries Board, has sought in recent years to trap glass eels and elvers, by a variety of experimental means, in the Shannon Estuary and transport them upstream to assist in the restocking of the upper Shannon. The ESB also has a trap at the hydroelectric power station at Ardnacrusha at which it traps elvers.

Glass eels and elvers returning to the Shannon have been in decline in recent years, as is the case

throughout Europe, and therefore numbers of juvenile eels caught are down. The Shannon Regional Fisheries Board and the ESB will review their juvenile eels programme in advance of the 2005-06 season.

I am not aware of any reason the Department should investigate the activities of the company referred to by the Deputy, which ceased trading in 1996.

Wild Salmon Stocks.

355. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources if he will publish all the scientific information he has in regard to the state of the north Atlantic wild salmon stocks; and if he will make a statement on the matter. [19605/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The latest scientific advice that I have received on Irish wild salmon stocks is that provided by the standing scientific committee to the National Salmon Commission in November 2004, which I understand was widely disseminated at that time.

This advice and a full description of how it is formulated is reproduced in the Irish Wild Salmon Fishery fact sheet which is available on the Department's website www.dcmnr.ie. While it has not been the practice for the National Salmon Commission to formally publish this information in the past, it is my intention to request the incoming commission to ensure that the standing scientific committee's report is published from this year onwards.

Harbours and Piers.

356. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the amount of funding his Department provided for the publication of a report (details supplied). [19616/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department provided funding of €33,000 for Mayo County Council in 2002 towards the cost of the report entitled, An Assessment of Piers, Harbours and Landing Places in County Mayo.

Land Reclamation.

357. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if he has commissioned a preliminary environmental impact statement on the Dublin Port application to reclaim land from Dublin Bay; if this has been released to Dublin Port; if it has been released under the Freedom of Information Act 1997; and if he will make a statement on the matter. [19640/05]

359. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources

[Mr. Bruton.]
if Dublin Port has sought a lease of any part of the foreshore from the State; if the granting of such a lease would alter the basis on which permission is granted for reclamation or development of the foreshore; and if he will make a statement on the matter. [19643/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 357 and 359 together.

Several leases and licences have been granted over the years to Dublin Port Company under the Foreshore Acts. However, the application by the company for consent to the proposed reclamation of an area in Dublin Bay was made in accordance with sections 10 and 13, as amended, of the Foreshore Act 1933, on the basis that the company claims ownership of the area concerned.

Issues arose concerning the company's title to the area in question and these are being actively pursued by the State's legal services and the company's legal advisers. The outcome of this process will determine the basis for the further consideration of the company's application.

An environmental impact statement was submitted with the company's application and has undergone an initial evaluation by consultants engaged by the Department. The results of this initial evaluation were communicated to the company but have not been released under the Freedom of Information Act 1997. I am advised that the deciding officer who dealt with the request under that Act for access to the document concerned determined that its release would be premature pending the making of a decision as to the suitability or otherwise of the environmental impact statement submitted by the company.

Port Development.

358. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources the existing capacity of ports on the east coast; the projected capacity needs of these ports to 2014; the key projects to add to capacity within that timeframe which have been communicated to him by the respective ports and the amount of additional capacity proposed in each case; and the terms of reference for the proposed consultancy on criteria for project evaluation and prioritisation. [19642/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In 1998, 2000 and again in 2004 the Department commissioned consultants to prepare an inventory of current and projected future capacity of Ireland's commercial ports. The most recent study which takes into account economic growth projections and looks at capacity up to 2014 found that while there were likely to be surpluses of capacity at certain ports, there were also going to be significant shortfalls at

some of the major ports, particularly in relation to unitised trade.

Looking to 2014, the study found that projected traffic will increase by approximately 16 million tonnes, some 35% over tonnage handled in 2003, and that there will be a shortfall in capacity of approximately 12 million tonnes overall, of which some 4.4 million tonnes will be in unitised trade, unless action is taken. In the east coast ports of Greenore, Dundalk, Drogheda, Dublin, Dún Laoghaire, Wicklow and Rosslare the capacity in 2003 was estimated to be 36.3 million tonnes overall and the additional capacity requirement for these ports to 2014 was estimated to be 5.3 million tonnes, of which 3.6 million tonnes was estimated to relate to unitised trade. The Department recognises that these studies are not necessarily an exact science, and their implications will need to be checked against actual experience at individual ports.

When launching the ports policy statement, I indicated that the Department would consult the commercial ports concerned to determine their view of port capacity and how they intended to deal with the projected capacity requirement. As an initial step, the Department has sought information from the commercial ports which handle unit load cargo on key projects identified by them as essential to deal with anticipated capacity deficiencies to 2014 and beyond, and whether the ports see these being funded from their own resources or in partnership with the private sector.

Information on project proposals have been received in respect of four of the ports referred to, namely, Greenore, Drogheda, Dublin and Rosslare. The initial information received from the ports concerned to date does not allow for a definitive response to the Deputy's question about timeframes and additional capacity proposed. However, the indicative figures for additional capacity proposed for unitised trade are 5.7 million tonnes at Dublin, 4 million tonnes at the proposed new port facility at Bremore and 3 million tonnes at Greenore. In addition, the Department of Transport informs the Department that Rosslare Europort is to commission a scoping study that will identify the measures required to address the depth constraints at Rosslare Harbour.

As indicated in the ports policy statement, it is intended to prioritise a range of projects catering for unitised traffic at our commercial ports from an overall economic national and regional perspective, as opposed to the perceived requirements of individual ports. To that end, the Department will procure expert and independent assistance from consultants to refine the criteria for project evaluation, to draw up a uniform template for submission of detailed project proposals and to evaluate and rank the projects submitted as a basis for the Department's recommendation to Government. The terms of reference for the

proposed consultancy are being prepared by the Department.

Question No. 359 answered with Question No. 357.

Port Development.

360. **Mr. Bruton** asked the Minister for Communications, Marine and Natural Resources if he will explain his statement of 25 November 2004 that the development of port facilities on the east coast which remove pressure to expand Dublin Port will have no bearing on Dublin Port's application to reclaim land in pursuit of its port expansion ambitions. [19644/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Government's ports policy statement which I launched in January 2005 addressed, among other things, the issue of future seaport capacity requirements. When launching the ports policy statement, I indicated that one of the key challenges ahead was the timely provision of adequate in-time port capacity.

As an initial step, the Department has sought information from the commercial ports which handle unit load cargo, including Dublin Port, on key projects identified by them as essential to deal with anticipated capacity deficiencies to 2014. As indicated in the ports policy statement, it is intended to prioritise a range of projects catering for unitised traffic at our commercial ports from an overall economic national and regional perspective, as opposed to the perceived requirements of individual ports. To that end, the Department will procure expert and independent assistance from consultants to refine the criteria for project evaluation, to draw up a uniform template for submission of detailed project proposals and to evaluate and rank the projects submitted as a basis for the Department's recommendation to Government.

Dublin Port Company applied in March 2002 for ministerial consent for the reclamation of 21 hectares of foreshore in Dublin Bay. The assessment of this application under the foreshore legislation is independent of the process outlined above for the evaluation and ranking of port capacity projects.

Coastal Erosion.

361. **Mr. Cuffe** asked the Minister for Communications, Marine and Natural Resources if he has allocated or intends to allocate funding to halt the coastal erosion and remediate the old landfill site north of Bray Harbour that straddles the administrative boundaries of Wicklow and Dún Laoghaire-Rathdown County Councils; the works already undertaken to address this issue; and if he will make a statement on the matter. [19826/05]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): Responsibility for coastal protection rests with the property owner, whether it be a local authority or a private individual. In July 2002 the Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-06 national coast protection programmes. The Department did not receive a proposal for coastal protection works to the old landfill site north of Bray Harbour from Wicklow County Council or Dún Laoghaire-Rathdown County Council. The question of funding the works in question will depend on the amount of Exchequer funding available for coastal protection works in the future and overall national priorities. The Department is not aware of any coastal protection works carried out at this location in the past.

Questions Nos. 362 to 369, inclusive, resubmitted.

Common Fisheries Policy.

370. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason the statistics regarding the level of penalties imposed for fishery offences here were not included in a report (details supplied); and if he will make a statement on the matter. [19904/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The statistics to which the Deputy refers were required to be included in the report to the European Commission by reference to individual instances of the rules of the Common Fisheries Policy having been seriously infringed. Ireland's data could not be broken down into that level of detail. The data available to the Department did not give a breakdown of the penalty imposed by the court for individual infringements in a case where a vessel was convicted for more than one infringement. The Department has been in consultation with the Attorney General's office to arrange for more detailed records to be kept in order that Ireland can contribute more fully to future reports.

371. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the reason the burden of penalties here (details supplied) is so high, thus placing Irish fishermen at a considerable disadvantage; and if he will make a statement on the matter. [19905/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Commission has drawn up a report on behaviours which seriously infringed the rules of the Common Fisheries Policy in 2003. The statistics were required to be included in the report to the European Commission by reference to individual instances of the rules of the Common Fisheries Policy having been seriously

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 infringed. Ireland's data could not be broken down into that level of detail. The data available to the Department did not give a breakdown of the penalty imposed by the court for individual infringements in a case where a vessel was convicted for more than one infringement.

The average fine imposed in 2003 in Ireland in respect of infringement of the Common Fisheries Policy was €4,871 per individual prosecution — some of which involve several infringements — in respect of 25 successful prosecutions. The EU report on serious infringements for 2003 shows that the average fine varied from member state to member state and involved a wide range of penalties, in the United Kingdom the average fine was €77,922. In addition, a system of confiscation of gear and catch applies in some member states. In Ireland, on conviction on indictment, the catch and gear on board a vessel is automatically forfeited.

The procedures for fisheries offences are provided for in legislation. Under the Fisheries Consolidation Act 1959, as amended, penalties for fisheries offences are financial and imprisonment does not arise. Under EC regulations a person who commits a breach of the European law must be deprived of any financial benefit of his actions and in addition the penalty imposed must be both a deterrent and dissuasive. The fines imposed under the Fisheries Acts 1959, as amended, were determined by the legislature as appropriate.

Fisheries Offences.

372. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if procedures for dealing with infringements (details supplied) will be simplified and streamlined to be more speedy and effective and more cost effective for the taxpayer; and if he will make a statement on the matter. [19906/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The procedures for fisheries offences are provided for in legislation. Under the Fisheries Consolidation Act 1959, as amended, penalties for fisheries offences are financial and imprisonment does not arise. Under EC regulations a person who commits a breach of the European law must be deprived of any financial benefit of his actions and in addition the penalty imposed must be both a deterrent and dissuasive. Given the considerable value of fish which can be landed from one trip, the potential level of financial penalties for those breaking the law can be substantial and such persons must be accorded the full protection available in law should they wish to contest the case. Delay in disposing of a case is often at the instigation of the accused while mounting a defence or considering how to deal with the case.

It is not correct to say that considerable amounts of personal bail are required to keep a fisherman out of jail. The master of the fishing

vessel is usually the party charged with the offence and he is required to enter a personal bond to ensure his appearance at the trial but such personal bail is usually fixed at a modest amount. The legislation provides that in addition to any personal bond the fishing vessel itself may be detained until the trial but the owner — who may not be the accused but is frequently a limited company — can post a bond in an amount fixed by the court in order to have the vessel released. The Act provides that the bond can take into account the value of the forfeitures and fines and the costs in the event of a conviction.

Pelagic Fisheries.

373. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the status regarding landing times at pelagic ports here; if he has resolved the industrial relations issues which seem to be at the heart of this issue; and if he will make a statement on the matter. [19907/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): As I have previously advised the House, new EU control requirements for pelagic fisheries were introduced in 2004. The requirements created onerous obligations for member states to ensure all landings of pelagic fish over ten tonnes were weighed in the presence of controllers. During extensive discussions with the industry on the implementation of the new EU procedures my Department acceded to industry requests to allow landings at a variety of ports. In order to implement this decision with the available resources it was necessary to restrict the landing times in the designated pelagic ports. The new controls were extended to the south and east coast with the inclusion of the Celtic Sea and Irish Sea herring fisheries from 2005 onwards.

While I accept it is desirable to provide 24-hour cover for major ports, where possible this must be balanced by the legal obligations which the State carries to ensure adequate control presence at those ports when they are open. In this respect, I recognise the need to augment the Department's resources to permit effective control for longer opening times at the key ports.

My Department is pursuing a case for the necessary additional resources, which is the primary obstacle to longer opening times at the key ports. I hope to announce the opening of the ports on a 24-hour basis as soon as the outstanding difficulties are resolved.

374. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if, in view of the safety and quality issues involved, small vessels targeting mackerel and herring off the Mayo coast this coming winter will be permitted to land their catches in Achill as was traditionally the case, rather than having to steam to either Killybegs or Rossaveal as is the case

under present regulations; and if he will make a statement on the matter. [19908/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The EU arrangements for the control of certain pelagic fisheries — horse mackerel, mackerel and north west herring fisheries — which came into effect during 2004 and were revised and extended for 2005 provide for, *inter alia*, the weighing in the presence of a controller of all quantities in excess of ten tonnes landed of any of these species. During the course of 2004, extensive consultations took place with industry representatives about the implementation of the EU regulation. The five designated ports, Killybegs, Rathmullen, Dingle, Rossaveal and Castletownbere, were chosen on the basis of landing patterns for the species concerned and the resources available to comply with the requirements of the regulation.

The scope of the 2005 Council regulation is wider than that of the 2004 regulation. The 2005 EU regulation requires monitoring of landings of Celtic Sea herring in addition to the other pelagic fisheries subject to these controls in 2004. In this context the provision of the resources needed to meet our obligations under this regulation is even more challenging.

My Department is pursuing a case for additional control resources and in the context of the outcome of that case I am prepared to look again at the ports to be designated for pelagic landings.

Fishing Vessels Decommissioning.

375. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will provide a realistic package for the decommissioning of whitefish vessels (details supplied) with a budget of up to the €30 million required to make a significant impact; and if he will make a statement on the matter. [19909/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Taking all matters into account including the funding available to me, my priority is to address the current imbalance between fishing capacity and fishing opportunities in key fisheries subject to restrictive quotas such as monkfish, hake and cod. Accordingly, I announced, on 27 April 2005, a new grant aid scheme to remove excess capacity from the whitefish sector of the fleet. The funding of €8.8 million available will deliver significant results in terms of removing capacity which is targeting these stocks.

British Government Honours List.

376. **Mr. F. McGrath** asked the Minister for Foreign Affairs the procedures regarding Irish citizens accepting knighthoods or OBEs from the British Government; and if there are any restraints on these outside awards. [18944/05]

Minister for Foreign Affairs (Mr. D. Ahern): Article 40.2.2° of the Constitution states that “No title of nobility or of honour may be accepted by any citizen except with the prior approval of the Government”. The interpretation by the Office of the Attorney General of this article has been that a title is an award that entitles the recipient to use a prefix such as “Sir” or “Lord” before his or her name. An award which provides for the use of letters or marks of distinction after the name such as OBE or MBE is not regarded as a title of nobility or of honour in this context.

It is the normal protocol for a foreign Government which wishes to make an award to an Irish citizen to inform the Government and any such requests are considered on a case by case basis to see if they are subject to Article 40.2.2o of the Constitution. Most of these requests are of a routine nature and in the absence of any constitutional or legal requirement are dealt with at official level.

International Conventions.

377. **Mr. M. Higgins** asked the Minister for Foreign Affairs if the Government, through permitting the use of Shannon Airport for the refuelling and servicing of two aeroplanes used for the extraordinary renditions programme of the US intelligence services, which may have had on board prisoners being delivered for interrogation which involved the use of torture, has lent itself to a breach of the international convention outlawing torture; and if he will make a statement on the matter. [19394/05]

Minister for Foreign Affairs (Mr. D. Ahern): I refer the Deputy to replies to parliamentary questions on 2 February, 22 March, 27 April and 28 April 2005.

The Government has on several occasions made clear to the US authorities that it would be illegal to transit prisoners for rendition purposes through Irish territory without the express permission of the Irish authorities, acting in accordance with Irish and international law. The US authorities have confirmed that they have not done so and would not do so without seeking the permission of the Irish authorities. No request for such an authorisation has been received from the US authorities.

European Constitution.

378. **Mr. Wall** asked the Minister for Foreign Affairs the position regarding France’s “No” vote in relation to the future of the EU; if there are any contingency plans made; if he was expecting such a decision; if France will follow Ireland’s lead and have a second vote in view of the fact that the result is awkward; if the European support for the EU is worsening; and if he will make a statement on the matter. [18983/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Government has expressed its regret at the outcomes of the referendums in France and The

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Netherlands. Despite the fact that “No” votes had been predicted by most opinion polls, they were nevertheless disappointing.

It has been apparent for some time that there is a degree of disconnection between the European Union and citizens in many member states. Clearly, this poses serious questions which have not yet been adequately addressed. However, the significant contribution of the Union to peace, prosperity and stability must not be downplayed. I am confident that most Irish people appreciate its fundamental importance to our national development.

The Government has made clear that it remains committed to the European constitution and continue to make the necessary preparations for its ratification. The situation, however, is difficult and complex and requires collective discussion among all member states. The European Council is to hold such a discussion at its meeting later this week. This will inform the future approach to this matter in Ireland and elsewhere in the Union.

Northern Ireland Issues.

379. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the basis for his comments in March 2005 that discrimination against Northern Nationalists had disappeared; the evidentiary basis for his comments; the person or persons from whom he took advice which led him to express this view; if his attention has been drawn to the British labour force survey statistics for 2003-04 which indicate that the opposite is true, that there has been no significant improvement in the unemployment differential in 30 years; and if he will make a statement on the matter. [19017/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The protection of human rights and the promotion of equality is at the heart of the Good Friday Agreement. This was collectively affirmed by the parties in the commitment within the Agreement to “the mutual respect, the civil rights and the religious liberties of everyone in the community”. This included, in particular “the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity.”

In the media interview to which the Deputy refers, the exact comment that I made was:

matters have changed dramatically in the North in such a way, the difficulties in certain areas of the North are more to do with the socio-economic difficulties, the type of discrimination that took place in previous decades, all of that has disappeared.

This comment accurately reflects the fact that discrimination on the basis of religion, political belief, and a number of other key grounds, is now comprehensively outlawed in much legislation in effect in Northern Ireland. This includes the Fair

Employment and Treatment Order 1998; the Race Relations Order 1997 and the Disability Discrimination Act 1995. European directives, legislation and other international obligations also offer protection against discrimination.

Moreover, Section 75 of the Northern Ireland Act 1998 places a duty on public authorities to have due regard to the need to promote equality of opportunity, including “between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation”, in carrying out their functions. Those who experience illegal discrimination now have a range of avenues open to them in order to seek redress. The Government keeps such cases under review and raises them and other equality issues, as appropriate, through the framework of the British-Irish Intergovernmental Conference.

The Good Friday Agreement contained a clear commitment to a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need. Encouraging progress was made by the devolved administration to eliminate this differential, including through the task force on employability and long-term unemployment and the procurement review. The commitment to the progressive elimination of the differential was reaffirmed in the joint declaration, published by the Irish and British Governments in May 2003. Recent meetings of the British-Irish Intergovernmental Conference have reviewed progress on the implementation of this commitment, and the issue will again be discussed at the next meeting of the conference which is due to take place towards the end of this month.

Foreign Conflicts.

380. **Mr. Quinn** asked the Minister for Foreign Affairs if he will make a statement regarding the extent to which Ireland will participate in the European Union integrated rule of law mission for Iraq. [19127/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The EU integrated rule of law mission for Iraq — EUJUST LEX — was established by a Council joint action in March 2005 and aims to address the urgent requirements in the Iraqi criminal justice system through providing training for high and mid-level officials in senior management and criminal investigation. The aim of the training is to improve the capacity, co-ordination and collaboration of the different components of the Iraqi criminal justice system, including the Iraqi police. A planning and co-ordination team for the mission, based in Brussels, has been established and the training courses which will be of three to four week duration and will take place in a number of different EU countries are due to commence in July 2005.

Twenty of the 25 EU member states contribute to the mission, either through hosting training courses, providing trainers and/or members of the

planning and co-ordination team or providing financial assistance. The question of Ireland's participation in the mission is under active consideration.

Ministerial Travel.

381. **Mr. Allen** asked the Minister for Foreign Affairs the most up-to-date information on his travels abroad for the St Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19188/05]

Minister for Foreign Affairs (Mr. D. Ahern):

As outlined in my response to a parliamentary question on 12 April 2005, I travelled to the United States from 11 to 18 March to represent the Government at St. Patrick's Day events in Boston before accompanying the Taoiseach to Washington. The cost of the visit, including transatlantic and internal transport and accommodation, will be approximately €50,000.

Visa Applications.

382. **Mr. Ring** asked the Minister for Foreign Affairs when a visa will be issued to a person (details supplied) in County Mayo; when all documents will be returned to another related person (details supplied). [19204/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The visa application to which the Deputy refers was received in the Department of Foreign Affairs on 15 April 2005 and referred to the Department of Justice, Equality and Law Reform for decision. The decision was received in my Department on 3 June, and the visa was immediately endorsed in the passport and forwarded, by registered post, with all the documents that had been submitted to the same address as that to which the Deputy refers.

Overseas Development Aid.

383. **Mr. O'Connor** asked the Minister for Foreign Affairs if Lesotho will remain a priority country for Irish official development assistance; and if he will make a statement on the matter. [19329/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):

Ireland's programme of development co-operation with Lesotho began in 1975, making it the longest running of our bilateral country programmes in sub-Saharan Africa. Our programme has expanded significantly in recent years, with the budget increasing from €6 million in 1999 to almost €11 million in 2005. A sharp focus on poverty reduction underlies all our activities in Lesotho. The main components of the programme are rural water supply, education, health, HIV-AIDS and governance.

The Lesotho programme has been in place for 30 years and, in comparison to the other countries in sub-Saharan Africa, where Ireland operates bilateral programmes, the country is relatively

well placed on the current UNDP human development index, ranking 145 out of 177 countries. Thus, for example, indicators for levels of absolute poverty, access to basic education, mortality rates for children under five and access to health services in Lesotho, while low, are better than any of Ireland's other bilateral programme countries.

Ireland's support to Lesotho is set out in country strategy papers which are agreed with the Government of Lesotho every three years. A country strategy covering the period 2005-07 was approved at the beginning of this year. The programme will focus on policy development in the areas of health, education and HIV-AIDS, improved governance and the strengthening of systems to enhance the delivery of basic services to the poor. Consideration will also be given to the long-term and to examining ways to meet the ongoing needs of Lesotho other than primarily through direct bilateral support. Options to be considered include channelling of assistance through regional structures and programmes, NGOs and community-based organisations.

The Government of Lesotho holds Ireland in high regard for the quality and duration of our assistance, and for the fact that, unlike some other bilateral donors, it maintained a presence in the country after the ending of apartheid in South Africa. We are conscious of the need to proceed in a manner which takes the special friendship between the two countries into account and continues to meet the development needs of the people of Lesotho.

Northern Ireland Issues.

384. **Mr. O'Connor** asked the Minister for Foreign Affairs the contacts he has had with the new Northern Secretary with regard to the peace process; and if he will make a statement on the matter. [19330/05]

Minister for Foreign Affairs (Mr. D. Ahern):

Mr. Peter Hain MP was appointed Secretary of State for Northern Ireland following the Westminster election in May. Shortly afterwards, I spoke to him by telephone to offer my congratulations and to arrange for an early meeting.

On 18 May I met Mr. Hain in Dublin. This meeting provided a valuable opportunity to discuss the situation in Northern Ireland and to affirm our shared goal of securing the full implementation of the Good Friday Agreement. We are in complete agreement on the need for an early and definitive response from the IRA and, in tandem, a real commitment by Unionism to inclusive partnership government.

I look forward to working closely with the Secretary of State in the same spirit of partnership that defined my working relationship with his predecessor, Paul Murphy. His previous political career will stand him in good stead for his new post and the challenging task ahead. We will meet again at the end of this month within the framework of the British-Irish Intergovernmental Con-

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ference. In the future, Mr. Hain and I intend to avail of all opportunities to engage with the political parties in order to move beyond the current political stalemate.

Foreign Conflicts.

385. **Mr. O'Connor** asked the Minister for Foreign Affairs the update on efforts towards the reunification of Cyprus; and if he will make a statement on the matter. [19331/05]

Minister for Foreign Affairs (Mr. D. Ahern): The United Nations has the lead role in the search for a comprehensive settlement of the Cyprus problem. However, the EU enlargement process provided the impetus for the most recent efforts towards a settlement which were undertaken by the UN Secretary General in the first half of 2004, during Ireland's Presidency of the EU.

As a result of the referenda in Cyprus on 24 April 2004, the accession to the EU of a united Cyprus on 1 May 2004 was not possible. On 28 May, the UN Secretary General submitted a comprehensive report to the Security Council on his mission of good offices. He noted that the unsuccessful outcome represented another missed opportunity to resolve the Cyprus problem and concluded that there was no apparent basis for resuming the good offices effort while the stalemate continued. The process has remained under consideration in the UN Security Council since.

In his latest report on the United Nations peacekeeping force in Cyprus, on 27 May 2005, the Secretary General concluded that he was not yet ready to appoint a new full-time representative for his good offices mission on Cyprus. However, there have been some developments in recent weeks. Following discussions with the Secretary General in Moscow in May, the President of Cyprus, Tassos Papadopoulos, sent an envoy to New York for preliminary, informal talks with senior officials in the UN secretariat. As a result of these discussions, the Secretary General asked Kieran Prendergast, Under Secretary General for Political Affairs, to travel to Cyprus, Athens and Ankara during the first week of June to listen to the views of all parties on the future of his mission of good offices and to assess the situation on the ground. He will report back to the Security Council in the coming weeks. The Secretary General will then decide whether a further effort will be possible in the search for a comprehensive settlement of the Cyprus problem.

The Government has strongly supported the UN Secretary General in his mission of good offices. The EU remains ready to accommodate a settlement of the Cyprus problem based on the Secretary General's proposals and in line with the principles on which the Union is founded. The objective we all share is an agreed comprehensive settlement which will enable the people of Cyprus to live together as citizens of a united Cyprus in the European Union. I hope that in the coming

months all parties will continue to engage constructively with the United Nations to create the conditions in which real progress can be made towards the achievement of that objective.

Overseas Development Aid.

386. **Mr. Quinn** asked the Minister for Foreign Affairs the reason for the apparent contradiction between the replies to Parliamentary Questions Nos. 225 of 24 May 2005 and 164 of 1 June 2005 (details supplied); and if he will make a statement on the matter. [19393/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Government pledged €20 million in response to the tsunami disaster in South Asia. On 24 May — as I said in reply to the first parliamentary question to which the Deputy referred — approximately €11.3 million, or 57%, of this pledge had been committed to meeting the needs of those most affected. This assistance was channelled through UN agencies, NGOs and other international organisations such as the Red Cross family with a proven record of responding to humanitarian crises.

By 1 June — the date of the second reply to which the Deputy referred — work had been further advanced in identifying, appraising and bringing forward new proposals to assist the tsunami affected region. This enabled me to say in my reply that “almost all of the €20 million allocated for the tsunami disaster has either been disbursed or is currently in the process of being allocated”. The phrase “in the process of being allocated”, as distinct from “has been allocated”, shows there was no contradiction between the two replies. The work in question included visits to the region by the special envoy, Mr. Chris Flood, and the technical team from the development co-operation directorate of the Department.

It is important for donors to meet their pledges and obligations in regard to the tsunami and its aftermath. On this occasion, Ireland will have led by example. We will also remain engaged with the tsunami affected countries to ensure that Irish funding is used to best effect and in a transparent and accountable manner. We will bring our own experience to the recovery processes. We remain in constant touch with all stakeholders, including our partners in the UN agencies, NGOs and the Red Cross.

European Constitution.

387. **Mr. Gormley** asked the Minister for Foreign Affairs the meaning of the phrase more binding commitments to one another in this area with a view to the most demanding missions in Article 41.6 of the proposed EU constitution dealing with permanent structured co-operation; the form the term more binding commitments will take; and if he will make a statement on the matter. [19588/05]

388. **Mr. Gormley** asked the Minister for Foreign Affairs the sort of European decisions and recommendations of the Council within the framework of permanent structured co-operation which will be covered under Article III-312.6 of the proposed EU constitution; if these European decisions will include military missions; if military missions are not covered; the articles in the EU constitution which preclude military missions being included; and if he will make a statement on the matter. [19589/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 387 and 388 together.

Article I-41.6 of the European constitution provides for permanent structured co-operation among those member states

whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions.

Article III-312 sets out the procedures governing the establishment and functioning of permanent structured co-operation and Protocol 23 sets out in broad terms its scope and the nature of the commitments which would be involved.

While the precise detail of these commitments has yet to be determined, it is clear from Protocol 23 that permanent structured co-operation relates to the development of defence capabilities and to more intense co-operation between participants in such areas as training, equipment and logistics. Specifically under Article 1 of Protocol 23, it would be open to all member states prepared to proceed more intensively to develop their defence capacities and which have the capacity by 2007 to participate in the battle groups-rapid response elements initiative. They would also be required to make the kinds of undertaking related to capabilities development set out in Article 2 of this protocol. It is possible that the specific commitments made by member states would be tailored to reflect their expertise and experience in particular areas of capability development and crisis management.

In this way, permanent structured co-operation would allow the member states involved to improve their capacity to carry out the full range of Petersberg tasks, including the most demanding missions. Those member states involved in permanent structured co-operation could conceivably develop a capacity to carry out crisis management missions jointly. This would not, however, alter the requirement for the establishment and launching of an actual EU mission to be decided by the Council on the basis of a unanimous decision by all 25 member states, as explicitly stated in Article I-41.4. It would not in any way constrain the right of each member state to determine whether it wished to take part in a particular mission.

The decisions and recommendations referred to in Article III-312.6 relate to the management of permanent structured co-operation itself and would be taken unanimously by the participating

member states. As outlined above, they could not involve a decision to establish a particular mission.

Overseas Development Aid.

389. **Ms C. Murphy** asked the Minister for Foreign Affairs if the Government will set a new target date by which Ireland will reach an overseas development aid minimum of 0.7% of GNP; if he will put in place a multi-annual plan to reach this target; and if the Government will enshrine Ireland's commitment to the 0.7% of GNP overseas development aid target in legislation before the summer recess. [19817/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): 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 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 official development assistance. The issue of how best to meet the target, and in what timeframe, is under continuous review. It is not intended that the commitment should be enshrined in legislation. The Department has recently launched a consultative process that will lead to a White Paper on development assistance and looks forward to receiving views from all interested groups and members of the public, including on the aid target dimension.

EU member states, as part of the European Union's contribution to the preparation of the United Nations summit in September 2005 on the follow-up to the 2000 millennium declaration, came to an agreement at the General Affairs and External Relations Council on 24 May 2005 on a new threshold for official development assistance for 2010 and 2015.

The elements of the Council's agreement are as follows: member states which have not yet reached a level of 0.51% ODA-GNI undertake to reach, within their respective budget allocation processes, that level by 2010, while those that are already above that level undertake to sustain their efforts; member states which have joined the EU after 2002, and have not reached a level of 0.17% ODA-GNI will strive to increase their ODA to reach, within their respective budget allocation processes, that level by 2010, while those that are already above that level undertake to sustain their efforts; member states undertake to achieve the 0.7% ODA-GNI target by 2015

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while those which have achieved that target commit themselves to remain above that target; member states which joined the EU after 2002 will strive to increase by 2015 their ODA-GNI to 0.33%.

Authorised Bookmakers Regulation.

390. **Mr. Bruton** asked the Minister for Arts, Sport and Tourism if he has had discussions with bookmakers whose business is regulated by the State in order to assess the extent to which they are making reasonable efforts to ensure that unclaimed money is returned to its rightful owners or where this is not possible, that there is an industry-wide code of conduct that ensures the money is devoted to causes of public benefit; and if he will make a statement on the matter. [19006/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Horse Racing Ireland and Bord na gCon, the statutory bodies responsible for the horse and greyhound racing industries respectively, are responsible for the control of the operations of authorised bookmakers under the provisions of the Greyhound Industry Acts 1958 and Irish Horseracing Industry Act 1994.

As my Department does not have a role in this matter, I have referred the Deputy's inquiry to Horse Racing Ireland and Bord na gCon for attention.

Ministerial Travel.

391. **Mr. Allen** asked the Minister for Arts, Sport and Tourism the most up-to-date information on his travels abroad for the St Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19189/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I stated in a previous reply on 12 April last, I travelled to London to participate in the St. Patrick's Day celebrations from Saturday, 12 March to Sunday, 13 March. I was accompanied on this trip by my special adviser, my private secretary and my wife. While the Department has yet to be invoiced for all the costs associated with the visit to London, I understand the total cost of the visit, including flights, local transport, accommodation and other expenses, is estimated at approximately €7,000.

Sports Capital Programme.

392. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the number of sports clubs in County Carlow which have applied for funding under the 2005 sports capital programme; the details of same; and when a decision will be made allocating the funding for this year. [19338/05]

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 sport clubs and to sports and voluntary 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 were received before that deadline, including 22 from organisations in County Carlow. All of the applications received are being evaluated against the programme's assessment criteria which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

393. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism the position regarding an application under the sports capital programme by a person (details supplied) in County Galway; and if he will make a statement on the matter. [19491/05]

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 sports and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. All of the 1,362 applications received before that deadline, including one from the organisation in question, are being evaluated against the programme's assessment criteria which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

394. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism the position regarding an application for funding under the sports capital programme by a club (details supplied) in County Galway; and if he will make a statement on the matter. [19492/05]

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 sports and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December last. The closing date for receipt of applications was 4 February 2005. All of the 1,362 applications received before that deadline, including one from the organis-

ation in question, are being evaluated against the programme's assessment criteria which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Sports Funding.

395. **Mr. Perry** asked the Minister for Arts, Sport and Tourism if funding will be allocated for Community Games; when funding will be granted in order that a suitable venue will be provided (details supplied); and if he will make a statement on the matter. [19501/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Following a series of meetings last year with representatives of the National Community Games to discuss issues with regard to the hosting of the annual Community Games finals in Mosney, I approved funding of funding of €100,000 towards the renovation of the accommodation at the Mosney holiday centre specifically to ensure that the facilities are of a comfortable standard for use by the Community Games participants. In the context of those discussions, the Reception and Integration Agency, RIA, confirmed its continued willingness to facilitate the availability of Mosney to host the Community Games. Community Games representatives have expressed their satisfaction with the range and quality of the facilities and services available at Mosney and their suitability for future national events. They also acknowledged that no other venue in Ireland has the scale and variety of facilities required for their national events as currently structured and that any question of providing a special dedicated venue on the scale required which would be used only a few times a year would be unrealistic. I am pleased that the RIA has confirmed that for as long as the agency continues to use Mosney, the Community Games can avail of the facilities there. A new contract was signed between Mosney Irish Holidays Limited and the Minister for Justice, Equality and Law Reform on 18 November 2004.

Swimming Pool Projects.

396. **Mr. Durkan** asked the Minister for Arts, Sport and Tourism the extent of the financial support he proposes to offer through Kildare County Council towards the building of a swimming pool at Leixlip; when work will commence; and if he will make a statement on the matter. [19837/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I refer the Deputy to my reply to his Parliamentary Question No. 258 of Tuesday 31, May 2005 which sets out the position on Leixlip, Maynooth and Celbridge. The position outlined in the reply continues to apply.

EU Directives.

397. **Mr. Quinn** asked the Minister for

Enterprise, Trade and Employment the steps taken to implement the Commission's recommendation of 12 July 2004 on the transposition into national law of directives affecting the Internal Market; if the list of untransposed directives has been published on the internet as recommended by the Commission; and if so, where. [19130/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): In advance of the Irish Presidency of the EU in 2004, the internal mechanisms of this and other relevant Departments and the procedures for monitoring the transposition of directives across Departments were reviewed and strengthened. In that regard, all Departments were largely following best practice as outlined in the Commission's recommendation even before it was adopted.

The Taoiseach has communicated to all Ministers the priority he attaches to the timely and correct transposition of EU legislation. His Department plays a direct co-ordinating role in monitoring progress in transposing EU Internal Market legislation. This monitoring is conducted through the interdepartmental co-ordinating committee on EU affairs, ICCEUA, the secretariat of which is in the Taoiseach's Department. The ICCEUA is made up of senior officials from all relevant Departments and is chaired by the Minister of State with responsibility for EU affairs. It reports directly to a Cabinet level committee chaired by the Taoiseach. The ICCEUA provides a high level forum to which Departments report their progress in transposing Internal Market legislation. The committee seeks to ensure that each directive is transposed by, if not before, the date for transposition. Where a directive is overdue for transposition, the Department concerned must give the ICCEUA a reason for the delay and a deadline for transposition.

The timely transposition of EU legislation is incorporated into Departmental strategy statements, business plans and the role profiles of individual officers under the Government's strategic management initiative. Management boards of the relevant key Departments keep the performance of their Departments in transposing EU legislation under review on a regular basis. In addition, the Department of the Taoiseach is in the process of integrating the principles of better regulation into the negotiation and transposition of EU directives and regulations.

My Department liaises regularly with other Departments, in particular the Department of the Taoiseach, on foot of information received from the Directorate-General for Internal Markets of the European Commission on issues with regard to transposition. My Department maintains an electronic database of Internal Market directives, which contains information on, *inter alia*, the officials responsible within the Department for the transposition of each directive and the deadlines for transposition. Much of the information in the database is accessible to the public via the

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Department's website. The ICCEUA is encouraging all Departments that have not already done so to establish a similar electronic database for their directives and a similar degree of transparency insofar as the public is concerned.

Health and Safety Regulations.

398. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the position regarding persons (details supplied) with regard to health surveillance; the position regarding X-rays as a means of such surveillance; and if he will make a statement on the matter. [19422/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I understand that the question refers to the exposure of workers to asbestos in the workplace. The protection of workers from exposure to asbestos at work is covered by the European Communities (Protection of Workers) (Exposure to Asbestos) Regulations 1989 (S.I. No. 34 of 1989), as amended. These regulations, *inter alia*, transpose Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work. Directive 83/477/EEC has in turn been amended by Directive 2003/18/EC of the European Parliament and the Council which is required to be transposed into national law by the member states by 15 April 2006.

Regulation 22 of the 1989 regulations provides that where the action level at a place of work is or is likely to be reached or exceeded, the employer concerned must ensure that arrangements are made to enable any worker at such a place of work to avail of a health assessment by an appointed doctor. The regulations require that the health assessment in respect of each worker be made by the appointed doctor concerned after medical interview and examination which must include specific examination of the chest.

After making a health assessment of a worker, the appointed doctor concerned must, where appropriate, advise on or determine any individual protective or preventive measures to be taken which may include the withdrawal of the worker from all exposure to asbestos and certify whether the worker is fit, unfit or fit with certain restrictions for exposure to a concentration of asbestos fibres in the air equal to or in excess of the action level. Individual medical records in respect of assessments by an appointed doctor of the health of workers must be maintained by the appropriate appointed doctor and each individual medical record must include the following information: name and personal address of worker concerned; name of employer concerned and the appropriate address or addresses; date of birth of worker; date of commencement of asbestos exposure, if known; medical history; occupational history; the results of clinical examinations, X-rays and spirometry and the significance of the results; the results of asbestos sampling which

relate to the worker's exposure; and details of any action taken by the appointed doctor concerned following the results of a health assessment.

Amongst the requirements of Directive 2003/18/EC of the European Parliament and of the Council are the following: Health examination of workers should be carried out in accordance with the principles and practices of occupational medicine. It should include at least the following measures: keeping records of a worker's medical and occupational history; a personal interview; a general clinical examination, with particular reference to the chest; lung function tests (respiratory flow volumes and rates).

The doctor and/or authority responsible for the health surveillance should decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomodensitometry, in the light of the latest occupational health knowledge available.

Decentralisation Programme.

399. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the status of the plan to move a section of his Department to Carlow town; the start date of construction on the site; the expected completion date; the timeframe for staff to be redeployed; and if there are plans to locate temporarily the section of the Department in Carlow town while the construction work is underway. [19451/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department has been making good progress in implementing its decentralisation programme and has been selected for inclusion among the organisations listed as the potential early movers of the decentralisation programme. The Department's decentralisation implementation plan was revised earlier this year in light of the recommendations in the third report of the decentralisation implementation group and a second iteration of the plan was submitted to the Department of Finance in advance of the 31 March deadline set out in that report.

The OPW is close to completing a site acquisition in Carlow town centre and construction is due to commence in the second quarter of 2006. The third report of the decentralisation implementation group gave an indicative timeline of the second quarter of 2008 for completion of the new building in Carlow and my Department is working towards the redeployment of staff once the building has been completed. At this stage in the process, my Department does not plan to relocate a section of the Department to Carlow on a temporary basis while construction work is under way.

Economic Partnership Agreements.

400. **Mr. Coveney** asked the Minister for Enterprise, Trade and Employment the Government's attitude to the UK paper on the economic partnership agreements currently being nego-

tiated by the European Commission with 77 African, Caribbean and Pacific countries; if, in accordance with the concern expressed by the Joint Committee on Foreign Affairs, the Government will join with the UK and other like minded Governments with a view to changing the EU position on EPAs; and if he will make a statement on the matter. [19010/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): EPAs are first and foremost instruments for development that will foster the smooth and gradual integration of ACP States into the world economy. Substantive negotiations are currently under way between the EU and ACP states in this regard. As trade is a European Community competence, the European Commission conducts the negotiations on the EPAs between the EU and six regional groupings of ACP states on behalf of member states on the basis of an agreed mandate. The Commission provides the Council with updates on the progress of the negotiations.

I have read with interest the recent position paper which sets out the UK view on how the commitment to put development at the heart of the EPA negotiations can be best delivered. I agree with the basic thrust of an approach to the EPAs which ensures that the needs and concerns of developing countries are taken adequately into consideration during the substantive phase of these negotiations. More recently, in the context of the further progression of EPA negotiations, Commissioner for Trade, Mr. Peter Mandelson, has indicated that he is putting the EPA process under continuing review with a new review mechanism to ensure that at every stage in the negotiations that the development dimension is put first. I fully support this approach by the Commissioner.

Ireland is actively following the developments in the EPA negotiations process and will continue to do so. In so far as the discussions within the EU Council, including the Article 133 Committee, are concerned, Ireland will have full regard to the content of the UK paper. In all of these discussions, we will be insisting that the Commission discharge its mandate in accordance with the provisions of the Cotonou agreement and in a manner which is sensitive to the particular concerns of ACP States.

Industrial Relations.

401. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment the nature of the communications between his Department and the plasterers' union referred to in the two page report from the Department of Enterprise, Trade and Employment into allegations against GAMA construction in October 2003. [19012/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The document referred to was not, and did not purport to be, a report on the company

named. It constituted a response to an issue raised in a constituency clinic of the then Minister for Enterprise, Trade and Employment. The response mentioned an exercise undertaken by the Department in the period 2001 to 2002, intended to ensure compliance with the registered employment agreement for the sector in question.

As part of its brief, the economic migration policy unit of the Department kept in touch with a range of labour market participants to ensure that policy was fully informed by the changing realities of the labour market. Such contacts included union and employer interests. On the occasion referred to one of the Department's concerns was to clarify if there was, in fact, an inter-union dispute in progress and a number of the Department's contacts were asked if the Department's understanding was correct in this regard.

Small Claims Procedure.

402. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment the date from which the new threshold for the small claims court will apply; and if he proposes to make any other changes in the procedure. [19111/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The consumer strategy group's report, Make Consumers Count, which was published on 18 May 2005, includes a recommendation that the maximum award in the small claims procedure be increased from its current limit of €1,269.74 to €3,000. As I advised at the publication of the CSG's report, the scope and breath of the recommendations contained in the report will require a co-ordinated response from Government. To that end, the Government has approved the establishment of a high level inter-departmental committee to examine the report's recommendations and to report back within three months with a detailed implementation plan. The recommendation to increase the threshold for the small claims procedure will be discussed as part of the deliberations of the high level inter-departmental committee. The Department of Justice, Equality and Law Reform which has policy responsibility for the operation of the small claims procedure and which is ultimately responsible for implementing any change to the limit of awards under the procedure will be fully represented on the high level interdepartmental committee.

Industrial Development.

403. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the number and location of factories and industrial units owned by companies (details supplied) in County Clare; the number which are vacant; the rental cost of same; and if he will make a statement on the matter. [19134/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Shannon Development is the statutory agency with responsibility for indigenous industry in the mid-west area. All agency owned factories and industrial units in County Clare are in Shannon Development ownership and there is, therefore, no rental cost due from the agency. Rent charged by Shannon Development to tenant companies is based on the market value for the unit, having regard to its size and location, and varies accordingly. The total number of factories and industrial units owned by Shannon Development in County Clare is 470, of which 105 are vacant, and is detailed in the following table.

Location	Of Which Vacant Units	Occupied	Total
Shannon	67	221	288
Ballycasey	4	28	32
Ballyvaughan	0	6	6
Ennis	12	57	69
Kildysart	1	0	1
Kilkee	0	2	2
Killaloe	0	2	2
Kilrush	0	2	2
Lisdoonvarna	0	4	4
Miltown Malbay	1	2	3
Tuamgraney	5	8	13
Smithstown	14	31	45
Gilloogue	1	0	1
Tulla	0	2	2
Total	105	365	470

Decentralisation Programme.

404. **Mr. P. Breen** asked the Minister for Enterprise, Trade and Employment the status of and progress made in the planned decentralisation of Enterprise Ireland staff to Shannon, County Clare; and if he will make a statement on the matter. [19135/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): As part of the decentralisation programme, the Government decided that the headquarters of Enterprise Ireland, including 300 posts, would relocate to Shannon. Enterprise Ireland identified the posts to be transferred and these were advertised as part of the central applications facility, CAF, at its launch in May 2004. As requested by the Department of Finance, Enterprise Ireland prepared with assistance from Shannon Development an information pack on the Shannon area. The pack includes information on a number of topics such as transport systems, business facilities, accommodation, education facilities and sports and leisure facilities in Shannon. Enterprise Ireland nominated a senior manager to participate in the group established within my Department to oversee the implementation of the decentralisation decision.

Enterprise Ireland prepared and submitted to the decentralisation implementation group an implementation plan setting out the agency's proposed approach to implementing the Government's decision. Between 2 and 4 June 2004, Mr. Frank Ryan, chief executive of Enterprise Ireland, visited the Limerick and Shannon areas for an extended series of meetings with Shannon Development, local authorities, city and county enterprise boards, representative bodies, third level institutions and client companies.

The most immediate implementation step for Enterprise Ireland has been to provide for a new headquarters building designed to meet the business needs of the organisation. Working closely with the OPW, Enterprise Ireland reviewed the submissions received by the OPW on the Shannon location and used the OPW evaluation model to rank expressions of interest. The preferred site which has now been identified is a 13 acre site owned by Shannon Development. Following the Enterprise Ireland evaluation process, OPW reviewed the process and visited the site and they concur with the evaluation. In co-operation with Shannon Development and the OPW, the site was valued and a feasibility study carried out. The site occupies a prime position near the centre of Shannon and is considered suitable for a major landmark building or civic structure related to the town centre.

Company Investigation.

405. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment his views in terms of the public interest on a person and a company (details supplied) who and which will be in a position to acquire control over the entire cable television platform here while at the same time being the most significant shareholder; and if he will instruct the Competition Authority to undertake a full phase 2 investigation of the acquisition of a company (details supplied). [19151/05]

406. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that control of NTL Ireland has already passed out of the hands of NTL to a company (details supplied); if his attention has further been drawn to the fact that the parties used an elaborate warehousing stratagem to oust the system of prior merger control provided for in Part 3 of the Competition Act 2002; if his attention has further been drawn to the fact that UGC has agreed to pay a company €4 million to secure its participation in this warehousing stratagem; his views on the involvement of a company and the willingness of UGC to make a substantial payment; and if he considers that Part 3 of the Competition Act 2002 requires amendment to ensure that the prior merger control regime is not sidelined in this way in future. [19152/05]

407. **Mr. Broughan** asked the Minister for Enterprise, Trade and Employment his views on the fact that, in conjunction with the interposition of its bankers (details supplied), UGC will already be exercising control of influence over the former NTL Ireland business; if the Competition Authority will be instructed to undertake an immediate investigation to ensure that UGC has not jumped the gun by exercising control or influence over the former NTL Ireland business before the authority and the Minister have conducted their statutory reviews; and if the Competition Authority will be further instructed to undertake a review of the participation or acquiescence of a company in any jumping of the gun which might have occurred. [19154/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 405 to 407, inclusive, together.

The warehousing provision referred to was included in the Competition Act 2002 in line with standard international practice for regulating transactions of a purely financial investment nature. The rationale for the provision is essentially to lighten the regulatory burden for mergers and acquisitions which raise no competition concerns. For example, the EU merger regulation contains a similar exemption. I understand that the transaction in question was notified to the Competition Authority on 24 May 2005 and that the authority is currently carrying out an initial phase 1 competition analysis. As the proposed acquisition is currently before the authority, I am satisfied that the merger and acquisition provisions of the 2002 Act have not been sidelined in the manner suggested and are working satisfactorily in terms of notification requirements.

The Competition Act 2002 also transferred general responsibility for the regulation of mergers and acquisitions from the Minister for Enterprise, Trade and Employment to the Competition Authority with effect from 1 January 2003. Since then, the Authority examines and decides upon notified transactions on the basis of competition criteria alone. However, I also have a role in the decision-making process where the acquisition in question involves a media business. In such cases the Competition Authority carries out a competition analysis and I consider the transaction in the context of the public interest criteria listed in the Act. The authority may decide to carry out a detailed phase 2 investigation if required. I may also direct the authority to carry out such a phase 2 investigation if I consider it necessary.

Where the authority determines that a merger may proceed, I may agree or disagree with the decision having regard to the public policy criteria specified in the Act. These are as follows: the strength and competitiveness of media businesses indigenous to the State; the extent to which ownership or control of media businesses in the State is spread among individuals and other undertakings; the extent to which ownership and

control of particular types of media business in the State is spread amongst individuals and other undertakings; the extent to which the diversity of views prevalent in Irish society is reflected through the activities of the various media businesses in the State; and the share in the market in the State of one or more of the types of business activity falling within the definition of media business that is held by any of the undertakings involved in the media merger concerned or by any individual or other undertaking who or which has an interest in such an undertaking.

I am confident that the Competition Act provisions for media mergers, in particular the fact that such mergers and acquisitions must surmount two separate hurdles — a competition test and a public interest test — will adequately address the issues arising in this case. Furthermore, any merger which is put into effect without regulatory clearance is void under the Act.

Ministerial Travel.

408. **Mr. Allen** asked the Minister for Enterprise, Trade and Employment the most up-to-date information on his travels abroad for the St Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19190/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I traveled to Australia for the St. Patrick's Day celebrations. My official party comprised my private secretary and I. The duration of the visit was seven days from Saturday, 12 March to Friday, 18 March, inclusive. The costs which have been finalised to date amount to €8,998.83, including all flight and hotel costs. There are other costs which are being met initially by the Department of Foreign Affairs and until a final claim is submitted from that Department I cannot make a definitive statement on the matter.

Health and Safety Authority Investigations.

409. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment the reason the Health Service Authority has not investigated the circumstances of a fatal accident (details supplied) in County Mayo in view of the similarities to an accident in County Meath; and if he will make a statement on the matter. [19205/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The accidents with tragic consequences which Deputy Cowley refers to at Mulranny, County Mayo, where a young woman was killed, and more recently at Kentstown, County Meath, where five school girls lost their lives, were both road traffic accidents. As such, these accidents are primarily matters for the Garda Síochána to investigate. The remit of the Health and Safety Authority is confined to the investigation of occupational accidents.

[Mr. Killeen.]

In the case of the Mayo accident, I understand that the HSA has written to the family of the bereaved and explained why it is not carrying out an investigation. The HSA understands that where the accident took place, although there were ongoing road works being undertaken on a stretch of the road, the work on the section where the accident took place had been completed, even to the extent that lines had been marked on the road.

In the case of the tragic accident at Kentstown the investigation by the Health and Safety Authority is focused upon road works which were being undertaken in the immediate vicinity of the accident. Because this investigation is ongoing I am unable to make further comment at this time. However, I can confirm that the HSA has issued improvement and prohibition notices to Meath County Council in respect of the road works at Kentstown.

Community Employment Schemes.

410. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment his plans to address the difficulties that will be faced by community organisations that have no community employment scheme but do have jobs initiative as they gradually lose all their job initiative workers as the scheme is phased out and replaced by community employment; and if he will make a statement on the matter. [19239/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Following the recent review of FÁS employment schemes which comprise community employment, CE, social economy and job initiative, JI, I announced that with effect from 10 November 2004, that there would be no compulsory lay offs on JI but that participants would have their contracts renewed for a further term. In circumstances where people leave JI voluntarily, the community organisations may replace them with CE participants. These arrangements are intended to ensure the maintenance of the provision of a network of valuable community services throughout the country.

FÁS employment programmes will provide 25,000 places in 2005. These programmes continue to support local communities in the delivery of services. The continued ring fencing of the essential services of health, childcare and drugs task force clients on CE and the extended participation of older workers will help to ensure that the existing community service support framework will be maintained.

Enterprise Policy.

411. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment his plans for business and industry. [19286/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): As Minister for enterprise, my objective is to ensure that our economy

remains a globally competitive, profitable and secure location for business. I believe we can best help enterprise by putting in place the framework conditions which promote entrepreneurship, encourage innovation and which enable business to be competitive in a global market. When provided with the best supporting environment business and industry will develop their own plans to capitalise on investment and growth opportunities.

My strategy to drive economic development is well established. My Department and its enterprise development agencies have a firm mandate to encourage a more dynamic, enterprising and innovation based economy, which can sustain higher living standards for all. While we cannot ignore the importance of maintaining an attractive taxation regime as one of the primary supports for business, our focus is now on prioritising policies that promote research and innovation, entrepreneurship and helping companies extend their reach into global markets.

Policy development will be significantly influenced by the policy prescriptions set out in the enterprise strategy group's report and I have already announced an action plan to drive the implementation process. This will include the formation of an enterprise expert group to advise me on the pace of implementing the group's recommendations. I also intend to make regular reports to Cabinet on enterprise policy issues together with the wider competitiveness agenda in the context of reports from the National Competitiveness Council.

In tandem with ESG related policy changes I am placing science, technology and innovation at the centre of other hugely important policy objectives. These will help transform our economy into an acknowledged European centre for knowledge enterprises and high technology products and services. To accelerate this process I published the national research and development action plan last year. This sets out the policy architecture to grow research and development expenditure to 2.5% of GNP by 2010, expand businesses spending on research and development to €2.5 billion in the same period and to expand the number of researchers from 5.1 per thousand in 2001 to 9.3 per thousand by 2010. The blueprint for turning these goals into action is being developed in my Department and I will publish a more detailed step by step implementation agenda by the autumn. All these arrangements are closely associated with meeting the goals of the Lisbon Agenda, which aims to radically change the competitiveness of the EU by making it easier for small companies to thrive and become a more important catalyst for employment growth and innovation.

In this regard, I expect Enterprise Ireland's strategic plan for Irish industry to direct a substantial change in how the agency designs programmes to help indigenous firms and delivers these supports to companies. I believe it clearly

represents a major change in approach to help firms compete through better innovation and higher productivity, all driven by a deeper understanding of market demand. Mindful of the competitive pressures facing Irish companies, I recently sanctioned Enterprise Ireland's productivity improvement fund with a total budget of €20 million until the end of 2006. This will assist Irish firms in their drive for higher efficiency and international competitiveness.

Ireland must remain an attractive location for high technology and sophisticated service companies. IDA Ireland's continued success in winning world class investments from global leaders in biopharmaceutical, communications and medical device markets convinces me that our approach to this aspect of investment for jobs, is robust and successful.

Company Closures.

412. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment the position regarding employment creation following the closure of a company (details supplied) in County Limerick. [19287/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am aware that the company in question offered its employees an opportunity to take up alternative positions in either its food ingredient operations in Charleville where a major expansion is taking place, or Listowel, County Kerry where demand for workers is also increasing. An out placement consultant was also on site to assist those employees who were not interested in this offer of alternative employment and the full services of FÁS are being provided for those workers who wish to avail of the agency's services. I understand that some 100 of the 138 workers who lost their jobs now have alternative employment.

In addition, I understand that the company is prepared to deal with any client that may be interested in locating in the existing plant. Shannon Development and the local county enterprise board have already identified three companies that might do so. If successful, this could result in a number of jobs being replaced. A consultant facilitator has been put in place to help the local community put together an overall business plan and strategy for the future.

The west Limerick working group which was recently established is focusing on proactive initiatives to help the communities in west Limerick generally. The State development agencies are working closely with the west Limerick working group and, following my recent visit to the area which included a meeting with the group, I have asked the agencies to provide all available support as a matter of priority.

Industrial Grants.

413. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment the way in

which grants for business and industry are regulated at the Business Park, Askeaton, County Limerick. [19288/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Askeaton Business Park is a Shannon Development owned land bank, comprising approximately 227 acres. Responsibility for grant assistance to companies locating at the business park is an operational matter for the relevant development agencies. IDA Ireland is the national agency with statutory responsibility for the attraction of foreign direct investment, FDI, to Ireland and its regions, while Shannon Development is responsible for indigenous industry in the mid-west area.

IDA may provide financial assistance for companies wishing to locate in Ireland or expand their existing operations in Ireland. The unique characteristics of any proposed project will determine the incentive package available, in particular its location. IDA evaluates potential projects through a process of negotiation. Grants are bound by the same Irish legislation, EU state aid rules, and IDA Ireland policies as would apply in any other location in the mid-west region. The main criteria applied to determine the availability of incentives include the quality of employment created and the location chosen within Ireland. The types of grants available include employment grants, research and development grants, training grants and capital grants.

Shannon Development may provide financial assistance for indigenous companies that meet eligibility criteria and are subject to a rigorous evaluation procedure. Performance against any targets set out in the legal agreement between Shannon Development and a company are also carefully monitored to ensure compliance with agreed business targets.

Both IDA Ireland and Shannon Development are actively marketing the park for new investment and jobs; in particular the agencies are promoting the park as an attractive location for new projects from the pharmaceutical and chemical sector. Ultimately decisions regarding where to locate a project, including what areas to visit as potential locations, are taken by investors.

The Askeaton area has a good mix of Irish industry and FDI, with some major multinational corporations such as Wyeth and Aughinish Alumina Limited located in the area. I understand that the business park has been identified as an important site from a business and employment perspective for both the county and the region in the planning and land use transportation study, the mid-west regional planning guidelines and in the draft county development plan. I am confident that the strategies and policies being pursued by the development agencies, together with the ongoing commitment of Government to regional development will bear fruit in terms of delivering the maximum possible level of additional jobs.

Labour Inspectorate.

414. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment the number of inspections of building sites in the past 12 months to check the extent to which the employment of non-national workers conforms with all legal obligations; the number of incidents of non-compliance which have been identified; the nature of these incidents; and if he has satisfied himself that the level of inspection being undertaken is adequate. [19309/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

The labour inspectorate of my Department is responsible for monitoring certain employment conditions for all categories of workers in Ireland, including immigrant workers. The inspectorate operates without making any differentiation to worker nationality as statutory employment rights and protections apply to immigrant workers in exactly the same manner as they do to native Irish workers.

The wages and employment conditions of workers employed in the construction industry are governed by the Registered Employment Agreement (Construction Industry Wages and Conditions of Employment) Variation Order which is enforced by the labour inspectorate of my Department. The inspectorate carried out 28 inspections or visits under this agreement during the period from June 2004 to May 2005. Breaches of the agreement were detected in five cases. The breaches in these instances related primarily to failure to pay the statutory minimum rate of pay required under the agreement.

In April this year the Minister for Enterprise, Trade and Employment announced the provision of an additional ten labour inspectors and a team leader to the labour inspectorate whose primary task will be to focus on sectors where there are concentrations of migrant workers. The additional resources will enable the inspectorate to undertake more inspections in these sectors, including the construction sector.

Entitlements to sick pay and pensions for employees in the construction industry are governed by the Registered Employment Agreement (Construction Industry Pensions Assurance and Sick Pay) Variation Order. My Department has no direct role under this agreement in the day-to-day operation of the pension scheme which is administered by the Construction Industry Federation. There is provision in the agreement for a trade union representative of employees or workers to complain to the Labour Court where an employer is alleged to have failed to comply with the agreement. In pursuing the matter the Labour Court can be assisted by the labour inspectorate. Acting on specific information from the Labour Court, the employment records of an employer are examined by an inspector and any relevant information gathered is relayed to the Labour Court. During the past 12 months the

inspectorate processed 106 such requests for inspection from the Labour Court.

Work Permits.

415. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment the total number of work permits outstanding for persons employed in the construction industry; the number of new permits issued in the past twelve months; and the indicators used for deciding whether a sector is suffering a shortage of workers which would necessitate the issue of permits. [19310/05]

Minister for Enterprise, Trade and Employment (Mr. Martin):

On 31 May 2005 the work permits section of my Department had a total number of 957 outstanding work permit applications. The number of outstanding applications in respect of the construction industry is currently not available because outstanding applications are not categorised by sector. Between 1 January and 31 December 2004, 10,020 new work permits were issued, of which 1,057 were issued to the construction industry. From 1 January 2004 to date, 3,064 new work permits were issued, of which 109 were issued to the construction industry.

Government policy since 1 May 2004 is that employers should source their skills and labour needs from within the European economic area, EEA. In exceptional cases where such skills are not available in the EEA, employers may apply for a work permit for this purpose. The verification of the absence of such skills is effected by employers advertising vacancies with FÁS for a period of at least one month before making a work permit application.

My Department, Forfás and the expert group for future skills needs are currently engaged in research and consultations on the detailed issues entailed in the implementation of the new green card type arrangements, including the types and sources of skills for which permits should be granted.

Farm Safety.

416. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment the funding which was allocated by the Health and Safety Authority for farm safety since 2003. [19320/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):

The funding available to the Health and Safety Authority is not broken down by it into amounts spent or allocated to the various sectors under the authority's statutory enforcement and advisory remit. I am, therefore, unable to provide the Deputy with figures on the funding for farm safety.

Consumer Protection.

417. **Mr. Hogan** asked the Minister for

Enterprise, Trade and Employment if the new consumer agency will have power of review over financial institutions that are already regulated by IFSRA; if so, the rationale for such a decision; and if he will make a statement on the matter. [19341/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The precise powers and remit of the new national consumer agency will be subject to discussions and wide consultations. The consumer strategy group has recommended that the new agency should develop a partnership approach with all interested parties such as Government, business, trade unions, consumer organisations and other regulators including the Irish Financial Services Regulatory Authority. I would not envisage the NCA duplicating functions which are the statutory responsibility of other regulators but I would agree that it is entirely desirable and appropriate for bodies such as the NCA and IFSRA, given their mutual and complementary interest in promoting and safeguarding the interests of consumers, to closely cooperate and indeed to possibly formalise their cooperation, for example through a memorandum of understanding.

Work Permits.

418. **Dr. Upton** asked the Minister for Enterprise, Trade and Employment if he will make more generous provision for work permit applications for white collar skilled jobs made on behalf of non-EU nationals who have completed third level qualifications at institutions here; and if he will make a statement on the matter. [19461/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The potential contribution which third level graduates from outside the European economic area might make in addressing Ireland's identified skills needs is the subject of research and consultations by my Department with Forfás and the expert group on future skills needs. This work will form the basis of a policy paper on skills based migration which will be published by my Department in the autumn.

Industrial Grants.

419. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the amount of money the IDA has received in grant repayments from a company (details supplied) in County Donegal following the huge job losses there; and the amount of money since reinvested in the Buncrana and Inishowen areas of County Donegal. [19569/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I am informed by IDA Ireland that, as part of the settlement with the company in question, a sum of €8.9 million was repaid to the agency between 1999 and 2004. From 1999 to 2003, the latest year for which fig-

ures are available, IDA Ireland made grant payments to companies in County Donegal of almost €8 million. In addition, the agency has spent nearly €15 million since 1999 on lands and site development in County Donegal including €750,000 in Buncrana, where planning permission has been obtained for a 20,000 sq ft factory. The agency is currently working with a local private developer on the provision of advance space within Lisfannon Park in Buncrana.

Following my visit to County Donegal last December, promoting the investment and development needs of the Buncrana and Inishowen area and the county have become priorities for the State development agencies. I am confident that the employment needs of the area will continue to be addressed by these agencies.

Bullying in the Workplace.

420. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment the position regarding the case of a company (details supplied) in terms of abuses of workers, bullying, delays in pay, sexual harassment and sacking of employees; and if he will make a statement on this company regarding the amount of grants received from the public purse. [19612/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): A prohibition on sexual and other harassment in the workplace has been in place since 1999 under sections 23 and 32 of the Employment Equality Act 1998. With effect from 18 July 2004, these provisions have been replaced by a new provision, section 14A of the Employment Equality Acts 1998 and 2004, inserted by section 8 of the Equality Act 2004. The new provision is in line with Article 2 of EU Directives 2000/43/EC, the race directive, 2000/78/EC, the framework employment directive and 2002/73/EC, the gender equal treatment amendment directive. Harassment and sexual harassment constitute discrimination for the purpose of the Acts and are open to orders for redress in accordance with section 82 thereof. Should an individual wish to refer such a claim under either Act, they may do so to the Director of the Equality Tribunal, 3 Clonmel Street, Dublin 2, telephone No.: (01) 477-4100.

Allegations of workplace bullying are addressed by the Health and Safety Authority, Temple Court, 10 Hogan Place, Dublin 2, telephone No.: (01) 614-7000, website: www.hsa.ie, e-mail: infotel@hsa.ie. I understand that there is no record of a bullying complaint in the HSA against the company. However, the authority has issued an improvement notice under the Safety, Health and Welfare at Work Act 1989 against the company concerned on a welfare facility at its premises.

Issues of dismissal generally are more appropriate to either the rights commissioner service of the Labour Relations Commission or the

[Mr. Killeen.]

Employment Appeals Tribunal under the Unfair Dismissals Acts or Industrial Relations Acts. Such complaints should be addressed to the: Employment Appeals Tribunal, Davitt House, Adelaide Road, Dublin 2, telephone No.: (01) 631-2121, locall outside (01) area: 1890 220 222 or fax No.: (01) 631-3266 or to the Rights Commissioner Service, Labour Relations Commission, Tom Johnson House, Haddington Road, Dublin 4, telephone No.: (01) 613-6700, locall: 1890 220 227, fax No.: (01) 613-6701, website: www.lrc.ie or e-mail: info@lrc.ie. Complaints over changes to terms and conditions of employment or delays in pay should also be addressed to rights commissioner service of the Labour Relations Commission also at the above mentioned address.

I have made inquiries within my Department but neither Enterprise Ireland nor the IDA has approved any grants or paid out any grants to the named company. FÁS has had no involvement with the company concerned other than advertising occasional job vacancies. No moneys have been paid out by it. The county enterprise board for the area did not make any payments to the company. I also understand that the National Standards Authority of Ireland has not paid any grants to the company concerned. No moneys have been paid to the company as part of the EQUAL Community initiative. However, with regard to funding under the European Social Fund, it is not possible to say at this short notice whether any funding has been made to the company in question.

Industrial Grants.

421. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment the position regarding grants from IDA and Enterprise Ireland for a company (details supplied). [19821/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issues arising from the decision to give grant aid to a client company is a day-to-day matter for the agency concerned, and not one in which I am directly involved. I understand that neither Enterprise Ireland nor IDA Ireland has approved any grants nor paid out any grants to the named company.

422. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment if companies (details supplied) or any related company under the same ownership have received any public funding; if so, the amount; and if they have been approved for any public funding not yet issued. [20108/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issues arising from the decision to give grant aid to a client company is a day-to-day matter for the agency concerned, and not one in which I am directly involved. I understand that neither Enterprise Ireland nor

IDA Ireland, the industrial development agencies under my remit, has approved any grants or paid out any grants to the named companies. I also understand that neither FÁS nor the relevant county enterprise board provided funding for the company.

Question No. 423 withdrawn.

Social Welfare Benefits.

424. **Mr. Allen** asked the Minister for Social and Family Affairs the reason the southern branch of the Health Service Executive reduced the rent subsidy awarded to a person (details supplied) in County Cork from €150 to €135 per week despite the fact that the circumstances had not changed. [19088/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. The southern area of the executive has advised that the person concerned had never been in receipt of rent supplement of €150 a week but had been paid a weekly supplement of €137.50 until January 2005. In the course of a routine review of the case in October 2004 which was delayed awaiting receipt of financial circumstances it emerged that this rate of payment had been incorrectly calculated by the then health board and that the appropriate amount of rent supplement payable to the person concerned should have been €134.50 per week. This revised rate was paid by the executive with effect from January 2005. The Department is not seeking repayment of the overpaid amount.

425. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if the Health Service Executive will increase the rent subsidy for a person (details supplied) in Dublin 12. [19449/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. The Dublin and mid-Leinster area of the executive has advised that, based on current financial circumstances, the person concerned is in receipt of the appropriate rate of rent supplement payable for the family circumstances in question. However, the person may not be receiving the full entitlement under my Department's one-parent family scheme. Half of any maintenance a lone parent receives may be disregarded as means for the purposes of assessing his or her entitlement to one-parent family payment. The means test for this and certain other social assistance schemes also provides for a disregard of up to €95.23 per week of maintenance payments in instances where applicants have rent or mortgage obligations on their family homes.

The one-parent family section of my Department was unaware of the recent change in the domestic circumstances of the person concerned. Consequently, a reduced rate of one-parent family payment is currently being paid because the person's maintenance payments are being assessed in a manner which does not take account of current accommodation costs.

In view of the circumstances in this particular case, I am arranging for a social welfare inspector to visit the person in question in order that the situation can be assessed. The OFP payment will be reviewed in the light of the inspector's report. When the review of the one-parent family payment has been completed the person concerned should contact the community welfare officer at the local health centre in order that the appropriate revised level of rent supplement may be determined.

Social Welfare Code.

426. **Mr. F. McGrath** asked the Minister for Social and Family Affairs the reason women who are out of work due to sickness were not allowed to claim for their children on social welfare when their spouses earns more than €300 per week. [18969/05]

Minister for Social and Family Affairs (Mr. Brennan): Child dependant allowance, CDA, is an additional weekly payment made to male and female social welfare recipients in respect of each qualified child dependant. A full CDA rate of €16.80 for each child dependant is payable to recipients of disability benefit together with a qualified adult allowance where the spouse's gross weekly earnings do not exceed €220 gross per week. Where earnings exceed €220, the qualified adult allowance is no longer payable. In terms of the child dependant allowance, a half-rate CDA increase is payable if a spouse or partner has a gross income of between €220 and €350 per week. This threshold was increased from €300 to €350 in budget 2005 and will ensure that persons may retain entitlement to half rate CDA when family income is almost €26,000, that is, when earnings of €350 per week and social welfare personal rate of €148.80 are combined. Any further increase would require additional resources and would be a budgetary matter.

427. **Mr. Bruton** asked the Minister for Social and Family Affairs if he will estimate the cost of providing half-rate carer's allowance for carers who are in receipt of another social welfare pension; the reason his Department feels that such persons should not be entitled to additional supplement towards their cost of caring; and if he will make a statement on the matter. [19112/05]

431. **Mr. Ring** asked the Minister for Social and Family Affairs his plans to increase the number of hours that persons who are in receipt of the carer's allowance can work; and his proposals he has to increase the hours that such persons can

work while also drawing the carer's allowance. [19202/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 427 and 431 together.

The carer's allowance is a social assistance payment which provides income support for people who are providing certain elderly or incapacitated persons with full-time care and attention and whose incomes fall below a certain limit. The primary objective of the social welfare system is to provide income support and, as a general rule, only one weekly social welfare payment is payable to an individual. This ensures that resources are not used to make two income support payments to any one person.

I made provision in budget 2005 for major improvements to the respite care grant. This includes the extension of the grant of €1,000 to all persons providing full-time care and attention, regardless of their means. Those persons in receipt of other social welfare payments, excluding unemployment assistance and benefit, will be entitled to this payment subject to meeting the full-time care condition. This arrangement is being introduced to acknowledge the needs of carers, especially with regard to respite and it is estimated that almost 33,000 carers will receive a respite care grant in 2005. The first of these payments issued last week.

According to census 2002, more than 48,000 people providing personal care for over four hours per day. Just over 24,000 of these are in receipt of either carer's allowance or carer's benefit. It is likely that a proportion of the remainder are in receipt of a different social welfare payment, for example an old age pension. Unfortunately it is not possible to estimate the number of people in this situation and it is, therefore, not possible to estimate the cost of the Deputy's proposal.

From August 1999, the full-time care and attention requirements were relaxed to introduce an element of flexibility for carers, while safeguarding the needs and interests of care recipients. Under these arrangements which were introduced in recognition of the economic and therapeutic value of work, carers may work up to ten hours per week. However, the carer's allowance scheme is designed for full-time carers and in allowing for flexibility to work a balance needs to be struck between the needs of the care recipient and needs of the carer to maintain contact with the labour market.

Government policy is strongly in favour of supporting care in the community and enabling people to remain in their own homes for as long as possible. The types of services which recognise the value of the caring ethos and which provide real support and practical assistance for the people involved will continue to be developed and all allowances and systems of support will be kept under regular review.

Pension Provisions.

428. **Mr. Connolly** asked the Minister for Social and Family Affairs if it is proposed to transfer the payment of old-age, widow's and other pension payments from post offices to banks; and if he will make a statement on the matter. [19125/05]

Minister for Social and Family Affairs (Mr. Brennan): I have no plans to change the payment methods currently available for old-age, widows and other pension customers. Current payment options for these customers include payment at post offices by means of a pension order book and direct payment to customers' bank, building society or post office savings accounts. My objective is to ensure that a range of payment options is available to customers and that service is continually improved by providing access to the wide range of payment options and new services and facilities now available. In that context, I announced recently a comprehensive review of my Department's payment systems. The review will also take account of Government policy to facilitate the greater use of electronic payment systems in the economy in the interests of developing a world class payments environment in Ireland.

Social Welfare Code.

429. **Mr. Stanton** asked the Minister for Social and Family Affairs further to Parliamentary Question No. 51 of 24 May 2005 when the review within his Department of the operation of the habitual residence condition began; the person or persons carrying out the review; the terms of reference, if any; when the review will be completed; if he will publish the final review; and if he will make a statement on the matter. [19148/05]

Minister for Social and Family Affairs (Mr. Brennan): The operation of the habitual residence condition has been kept under review by officials of my Department since its introduction. The purpose of the review is to assess the impact of the condition on different categories of claimants, the organisational arrangements and the level of service provided for customers, to identify opportunities for improvements in the administration of the scheme and identify emerging policy issues and consider how these should be addressed. Account is being taken of the views received from various groups and organisations which have an interest in the area. I expect to be in a position to draw conclusions from the review by the end of the year by which time a decision will also be made as to whether the review will be published.

Ministerial Travel.

430. **Mr. Allen** asked the Minister for Social and Family Affairs the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with

him in his official party; the duration of the visit; and the total cost. [19191/05]

Minister for Social and Family Affairs (Mr. Brennan): I travelled to Estonia to represent the Government at various ceremonies which celebrated St. Patrick's Day. I also had bilateral meetings with the Estonian Social Affairs Minister and the Vice-Chairman of the Estonian Parliament Social Affairs Committee and gave a number of press interviews. My official party travelled by Government jet to Tallinn on Wednesday night, 16 March, and returned on Thursday night, 17 March. I was based in Tallinn in accommodation organised by the Irish Embassy. The costs of the trip are not yet available. The official party consisted of myself, my special adviser, my press adviser and my private secretary.

Question No. 431 answered with Question No. 427.

Social Welfare Code.

432. **Dr. Upton** asked the Minister for Social and Family Affairs if he will review the practice whereby his Department awards disability allowance payments directly to residential homes instead of to the recipients; and if he will make a statement on the matter. [19232/05]

Minister for Social and Family Affairs (Mr. Brennan): With effect from 1 June 2005 a new disability allowance personal expenses payment of €35 per week has been introduced for people in residential settings. These people did not previously qualify for a disability allowance. The allowance replaces the former pocket money allowances administered by the health boards. Social welfare legislation provides that payment may be made to a person other than the claimant. Generally, such agents are appointed where a person is unable to cash his or her payment due to serious illness or loss of mobility. They may also be appointed in cases where a person is permanently unable to act for himself or herself or to discharge responsibility.

In the context of making the necessary arrangements for the introduction of the new allowance, it was evident that many recipients would require an agent to be appointed on his or her behalf. Accordingly, arrangements were put in place to make payments, in the first instance, to an appropriately appointed agent within the residential service in which the person resides.

My Department has formalised arrangements in service level agreements with each residential service provider for management of these moneys. These arrangements require agents to transfer the full payment to the individual account of the recipient. Specific provision has been made so that the payment will be used exclusively for the recipient's personal benefit.

My Department will review the situation in light of experience and in the meantime will pay

this allowance directly to any individual who so wishes. My Department has consulted the main disability representative organisations and service providers about the introduction of the allowance and payment arrangements. It has kept these organisations and service providers up to date on this matter and remains in contact with them on these arrangements.

433. **Dr. Upton** asked the Minister for Social and Family Affairs if he will arrange for a split system of payment where the claimant will receive some of the payment directly if he or she spends a number of nights at home on a weekly basis in cases where disability allowance payments are paid to residential homes; and if he will make a statement on the matter. [19233/05]

Minister for Social and Family Affairs (Mr. Brennan): Disability allowance is a personal allowance normally paid directly to the recipient. Generally, no arrangements are made to split payments except in very exceptional or limited circumstances, for example, when a separate payment is issued directly to a qualified adult dependant.

There are many different residential settings or services which recipients of disability allowance may attend, avail of or reside in. Often recipients may move between residential or community based settings and their home depending on their circumstances. Payment of disability allowance to residential homes or service providers is only undertaken where the Department confirms that they can act as an appropriate agent for the person concerned. Such agents are normally appointed where the claimant is unable to collect their own payment due to illness or loss of mobility or becomes permanently unable to act on their own behalf. In other circumstances the agent may be a parent, guardian or relative rather than a service provider.

Agents are responsible under the relevant legislation for ensuring that the social welfare payment is used for the benefit of the person concerned. The issues around splitting payments along the lines suggested by the Deputy are complex given the wide variety of circumstances in which people move between family home and community based or residential settings. If the Deputy has a specific case in mind and advises my Department of the details, I will arrange for the matter to be examined further.

Decentralisation Programme.

434. **Mr. Crowe** asked the Minister for Social and Family Affairs the percentage of staff in his Department who have expressed an interest in moving to Donegal town under the decentralisation programme; and if he considers this percentage high enough to necessitate a move in the short to medium term. [19282/05]

435. **Mr. Crowe** asked the Minister for Social and Family Affairs the percentage of staff in his

Department who have expressed an interest in moving to Buncrana under the decentralisation programme; and if he considers this percentage high enough to necessitate a move in the short to medium term. [19283/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 434 and 435 together.

Under the Government decentralisation programme announced as part of budget 2004, the Department is to relocate 230 posts to Donegal and 120 posts to Buncrana. According to figures received by the Department from the central applications facility, CAF, the number of applicants for Donegal and Buncrana is 104 and 35, respectively. The figures for the numbers of employees who have applied and are currently serving in the Department are 40 for Donegal and 17 for Buncrana. These figures represent applications made through CAF before the priority application date of 7 September 2004.

There are a total of six locations to which my Department will be relocating posts under the programme. The sequence and timing of these moves will depend on a number of factors and the decentralisation implementation group, DIG, established by the government will have a central role in determining this. The DIG has submitted a report on this matter to the Minister for Finance in November 2004 and a further report is currently being prepared. The timing of the moves involved in the overall programme will be determined in the light of that report.

My Department is currently reviewing its implementation plan for the initial phase of decentralisation and will examine subsequent phases in the light of this and of the next DIG report. I am committed to delivering on the decentralisation programme for my Department, including the moves to Donegal and Buncrana.

Social Welfare Benefits.

436. **Mr. Aylward** asked the Minister for Social and Family Affairs if he will review the rate of rent allowance being awarded to a person (details supplied) in County Kilkenny which was substantially reduced recently. [19284/05]

Minister for Social and Family Affairs (Mr. Brennan): Half of any maintenance a lone parent receives can be disregarded as means for the purposes of assessing his or her entitlement to one-parent family payment. The means test for this and certain other social assistance schemes also provides for a disregard of up to €95.23 per week of maintenance payments in instances where applicants have rent or mortgage interest obligations on their family homes. This means that the first €95.23 of maintenance per week is regarded as going towards meeting housing costs and is not regarded as income in the means test for one-parent family payment. For the same reason, rent in respect of which rent supplement is claimed is the net amount of rent due after tak-

[Mr. Brennan.]
ing into account the fact that the first €95.23 of maintenance is regarded as going towards housing costs.

Depending on the particular family housing cost, up to €60 per week of maintenance in excess of the €95.23 sum can be disregarded for rent supplement means assessment purposes, to ensure that the family has the benefit of the extra maintenance income up to that level before it affects their rent supplement entitlements.

The southern area of the Health Service Executive has advised that, in the course of a routine review of this case, it became aware that the person concerned is in receipt of family maintenance income of €120 per week in addition to a one-parent family payment from my Department. On this basis, the executive has determined that the amount of rent supplement payable to the person concerned will be reduced to €49.80 with effect from 20 June 2005. The executive has informed the person concerned of the revised entitlement and of the right of appeal against this decision.

437. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of persons who availed of the constant care allowance for each of the past three years and in 2005 to date; and if he will make a statement on the matter. [19390/05]

438. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of persons who availed of the disablement pension for each of the

	2002	2003	2004	2005
Pensions Awarded	822	695	592	243
Life Gratuity	279	268	300	130
Pensions in Payment	11,612	11,898	12,167	12,201
Provisional Gratuities in Payment	792	751	781	771
Unemployability Supplement in Payment	897	897	905	912
Constant Attendance Allowance in Payment	65	65	71	7

439. **Mr. F. McGrath** asked the Minister for Social and Family Affairs the assistance which will be offered to a person (details supplied) in Dublin 5 in regard to the bereavement grant and other social welfare assistance. [19439/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned applied for a bereavement grant on 20 May 2005 in respect of her late son who had been in receipt of disability allowance. While a six-weeks-after-death payment has been made to the person concerned, bereavement grant is not payable in this case as the PRSI contribution conditions are not satisfied. She was informed of this decision on 31 May 2005.

In instances where there are insufficient PRSI contributions to qualify for the grant, a person may receive assistance under the supplementary welfare allowance scheme. Under this arrange-

ment, the Health Service Executive may make a payment to help meet once-off expenditure, for example, in respect of funeral expenses. The person concerned has been advised that assistance may be available via her local community welfare officer.

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 437 and 438 together.

Disablement benefit is payable under the occupational injuries scheme to an insured person who suffers a loss of physical or mental faculty as a result of an occupational accident or a prescribed disease. The person must have been in insurable, occupational injuries, employment at the time the accident happened or the disease was contracted.

Constant attendance allowance is payable as an increase to disablement benefit where the person concerned is in need of full-time care and attention. It is paid directly to the person being cared for and is not payable concurrently with carer's allowance or carer's benefit. However, the annual respite care grant is payable in these cases to the person who is providing the required full time care attention. Unemployability supplement may be paid as an income support increase to disablement benefit where the person concerned is incapable of work, but where that person does not have the qualifying PRSI contributions for disability benefit or invalidity pension.

Disablement benefit is payable by pension or by gratuity depending on the degree of disablement assessed. The figures pertaining to payments made in the last three years and 2005 to date are shown in the following table. Figures for constant attendance allowance are also shown.

With regard to her own entitlement to a social assistance payment, she is currently in receipt of basic supplementary welfare allowance from her community welfare officer. She should contact her local social welfare office to examine her potential eligibility for any other benefit or allowance. Under social welfare legislation, decisions in regard to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

440. **Mr. Ring** asked the Minister for Social and Family Affairs if a person (details supplied) in County Mayo has been approved for the free

schemes, in particular for the lifetime television licence. [19445/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned was awarded the electricity allowance from 1 January 1997 and a free television licence from his next renewal licence after that date. He was also awarded a telephone allowance from 10 September 1997. According to An Post's records, the person concerned was issued with a free lifetime television licence in December 2004 when his current licence expired.

441. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for the free schemes. [19446/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned has been awarded the household benefits package with effect from 28 May 2005. This entitles him to electricity and telephone allowances from that date. He is also entitled to a free lifetime television licence from his next licence renewal date. The ESB and Eircom will be notified shortly to apply the allowances to his accounts.

442. **Mr. Wall** asked the Minister for Social and Family Affairs the funding available to a person (details supplied) in County Kildare to pay the rent to accommodate her family; and if he will make a statement on the matter. [19465/05]

Minister for Social and Family Affairs (Mr. Brennan): The means test for supplementary welfare allowance, through which rent supplements are provided, requires that all types of household income, including maintenance payments for a lone parent and his or her children, must be taken into account in determining a person's entitlements under the scheme. Up to €95.23 per week of maintenance payments can be disregarded in the means test for one-parent family payment purposes to allow for housing costs. Equally, in the means test for rent supplement, maintenance income up to this weekly amount is regarded as having gone to meet housing needs and, consequently, the rent in respect of which rent supplement is paid is the net amount after maintenance.

The Dublin and mid-Leinster area of the Health Service Executive has advised that, following a review of this case, it became aware that the person concerned is in receipt of maintenance payments of €70 per week in addition to her one-parent family payment from my Department. This €70 is regarded as being entirely for housing costs and, accordingly, the rent in respect of which rent supplement is claimed is the actual rent less €70.

Departmental records show the person concerned is in receipt of child benefit for three children but has yet to claim an increase in her one-parent family payment in respect of her third

child. She should apply to my Department for the appropriate increase in this payment. In the event that she qualifies for that increase, her rent supplement entitlement will be reviewed further by the executive.

443. **Mr. Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare is not being awarded rent subsidy; if attendance at a FÁS course is affecting the subsidy; and if he will make a statement on the matter. [19466/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. Payment of rent supplement is subject to a means test.

The Dublin and mid-Leinster area of the executive has advised that during a recent routine review of this case, it came to light that in addition to her one-parent family payment, the person concerned has also been in receipt of income from a FÁS course since July 2004. The level of her household income is now such that she is deemed to have sufficient funds to provide for her accommodation costs and, accordingly, she does not qualify for continued payment of rent supplement.

In addition, the non-disclosure by the person concerned of her additional income has given rise to a significant overpayment of rent supplement. The executive will contact her shortly to confirm the amount of the overpayment and to make arrangements for her to repay the amount due.

Pension Provisions.

444. **Mr. Naughten** asked the Minister for Social and Family Affairs his plans to allow persons to continue to work and pay PRSI pension contributions beyond pension age to gain eligibility for the old age contributory pension; and if he will make a statement on the matter. [19482/05]

Minister for Social and Family Affairs (Mr. Brennan): An increase in the workforce participation of older people is one of the more important measures identified at EU level as a means of ensuring the sustainability of pensions systems in the future. One of the main factors contributing to the projected problems for the pay as you go pensions system is a reduction in the available workforce in the years ahead. Accordingly, it is important to maximise the workforce participation of all sectors, including older people.

It is important that we encourage and facilitate people who would like to continue to work beyond normal retirement age. In this regard, the Pensions Board is reviewing our overall pensions strategy, including the measures we can put in place to encourage people to extend their work-

[Mr. Brennan.]
ing lives. My Department is also doing some work in this area in the context of a review of qualifying conditions for old age contributory and retirement pensions. I expect to receive the report of the Pensions Board later this year, at which stage I will review the position in conjunction with the work already undertaken in the Department in this area.

Social Welfare Benefits.

445. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for the free schemes. [19489/05]

Minister for Social and Family Affairs (Mr. Brennan): One of the conditions for receipt of the various allowances available under my Department's household benefits package is that a customer must be permanently residing in the State. In September 2003, entitlement of the person concerned to an old age non-contributory pension ceased as he was no longer resident in the State. As a consequence, his entitlement to the household benefits package also ceased.

If the person concerned is now permanently residing in the State he should reapply for the household benefits package as well as an old age non-contributory pension. The relevant application forms have issued to him recently. As soon as these are completed and returned to my Department, his entitlement will be examined and he will be notified of the outcome as quickly as possible.

Pension Provisions.

446. **Mr. J. Higgins** asked the Minister for Social and Family Affairs if he will make changes to the policy of clawing back overpayments from the wills of non-contributory pensioners who saved their pension money in the past when the threshold to avail of the full pension was set as low as £200 in 1979 to 1997 and £2,000 in 1997 to 2000, considering that the savings threshold for entitlement to the full non-contributory pension is to be raised to €20,000 for future savings. [19608/05]

Minister for Social and Family Affairs (Mr. Brennan): There is an obligation on a person who applies for old age non-contributory pension to fully declare his or her means. Once a pension is in payment, the pensioner is, by law, obliged to notify the Department of any change in the means. If the means are not fully disclosed, an overpayment of pension may arise. If, subsequent to the death of such a recipient, it comes to light that not all of the deceased's means were disclosed, social welfare legislation obliges the Department to recover from the estate of the deceased any moneys overpaid. Such recovery is based on new facts or evidence regarding the pensioner's actual means at given times.

The source of any capital held by a pensioner can vary. It can include savings from income while formerly working, savings derived from the sale of property or other assets, savings from occupational or social welfare pensions, gifts, inheritances, accumulated interest or dividends, or a combination of these. It would not be possible or practical to distinguish savings derived from particular sources.

Where a pensioner is deceased, the factors taken into account by the deciding officer in considering the case include: whether the pensioner had means at claim stage which he or she failed to disclose; whether he or she failed to disclose his or her full means at a subsequent review; the amount of the undisclosed capital; whether regular bank account transactions were being made; and whether the person was incapacitated or in poor mental health.

Where the deciding officer determines that a revised assessment of means is required, the pensioner's means are recalculated on the basis of the means testing provisions which applied at the various times undisclosed means were held. In the case of savings, the appropriate disregard and formula which applied at the relevant time is applied. This approach ensures these cases are treated in the same manner as those pensioners who declared their full income or savings at the relevant times. Where a pensioner or the personal representative of a deceased pensioner is unhappy with a decision of a deciding officer, such a decision can be appealed to the independent social welfare appeals office.

447. **Mr. J. Higgins** asked the Minister for Social and Family Affairs if his Department did not advise non-contributory pensioners that by saving a portion of their pensions to provide for themselves in private nursing homes in the event that they could not get a place in a health board home, they were leaving themselves open to having their pensions reduced, or an amount clawed back from their wills after death. [19609/05]

452. **Mr. Boyle** asked the Minister for Social and Family Affairs if the policy of clawing back moneys claimed by his Department on the estates of non-contributory pensioners has been in regulations since the Social Welfare Act 1993, the reason it has not been clearly set out in his Department's literature in the usual way and in accordance with the transparency rules outlined in *Regulating Better Government*, published by the Government in 2003. [19956/05]

453. **Mr. Boyle** asked the Minister for Social and Family Affairs the reason, in issued documentation to welfare recipients, the claw-back policy of moneys claimed by his Department on the estates of non-contributory pensioners was not advised to them. [19957/05]

454. **Mr. Boyle** asked the Minister for Social and Family Affairs the reason, with a database of non-contributory pensioners who number just over 100,000, relevant pensioners are not indi-

vidually informed of the policy of claw-back of moneys claimed by his Department on the estates of non-contributory pensioners considering that the declaration they sign in their application merely refers to change in means; the way in which such recipients may know, if the information is not publicly accessible; and if such persons are not informed of this information. [19958/05]

455. **Mr. Boyle** asked the Minister for Social and Family Affairs, further to replies to parliamentary questions from a number of Members of Dáil Eireann over the past six months (details supplied), the reason there has been so much secrecy regarding the inclusion of pension payments in the assessment of means. [19959/05]

456. **Mr. Boyle** asked the Minister for Social and Family Affairs, further to an internal memo of 14 February 2005 in which his Department accepts that the practice of claw-back of moneys claimed on the estates of non-contributory pensioners is not transparent, the reason it could not be seen that pensioners would not know of it. [19960/05]

457. **Mr. Boyle** asked the Minister for Social and Family Affairs the way in which the imposition of the penalties similar to that on a person who acquires a large windfall from a rich relative, or sells property or land, and is clearly understood by anyone as creating a change of means, is justified, in the circumstances of a lack of knowledge of his Department's policy. [20002/05]

458. **Mr. Boyle** asked the Minister for Social and Family Affairs his views on those expressed by the Ombudsman in 1997 that ignoring claimants' lack of awareness of the law in complex matters is not a reasonable position to adopt; the way in which the penalty imposed is justified, especially on vulnerable persons, many of whom may have literacy problems, or do not have access to information technology. [20003/05]

459. **Mr. Boyle** asked the Minister for Social and Family Affairs his views on whether it would be prudent that the details of types of savings (details supplied) be collected and recorded. [20004/05]

460. **Mr. Boyle** asked the Minister for Social and Family Affairs his views on whether a declaration of source of income by a pensioner or his or her legal representative would go a long way to determining the source of assets. [20005/05]

461. **Mr. Boyle** asked the Minister for Social and Family Affairs the reason no flexibility exists in interpreting the individual local circumstances of a particular case (details supplied); his views on whether, if some discretion existed in the making of calculations, this would go a long way in alleviating the core issue of a claw-back policy. [20006/05]

462. **Mr. Boyle** asked the Minister for Social and Family Affairs if, in regard to a specified case that has led to the current discussion of the claw-back policy, it is accepted that the executor of the will of the estate of the pensioner in question demonstrated very clearly to his Department that the deceased saved on average 42% of their pension over 26 years and that the regular bank lodgements were consistent and proportionate to the amount of pension awarded during the period; if there existed flexibility that gave the social welfare inspector some discretion, if this case might have been settled more reasonably. [20019/05]

463. **Mr. Boyle** asked the Minister for Social and Family Affairs his views on whether it was not clear from a specified case that the deceased pensioner who was saving the pension to provide for himself in a private nursing home, if he could not obtain a bed in an appropriate home, was leaving himself open to having his pension reduced or an amount clawed back from his will after his death. [20020/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 447 and 452 to 463, inclusive, together.

Since the introduction of the scheme, entitlement to old age non-contributory pension has been determined by reference to an applicant's means, along with the other relevant eligibility requirements. In assessing means, account is taken of any cash income the person may have, together with the value of capital and property, excluding the person's home. Capital includes savings, investments, and cash on hand and is assessed by reference to a formula laid down in legislation.

I recognise that pensioners may wish to save some element of their pension and, in this regard, provision has been made to disregard an amount of capital before means are assessed. From June 2005, this disregard has been increased to €20,000 in the case of a single person from the limit of some €12,700 which had applied from October 2000. These amounts are doubled in the case of a married or cohabiting couple.

These new capital savings exemption limits mean an old age pensioner without other means could save more than €35 every week from his or her pension over 15 years without any impact on the pension rate. Moreover, accumulated savings would only result in a reduction of €1 per week in the pension payment for each additional €1,000 saved over this initial disregard amount for the next €10,000 of accumulated savings. The reality is that the various exemptions, particularly those introduced in regard to capital and savings in recent years, allow pensioners to accumulate sizeable savings without any impact on their pension rates.

My Department's officials apply the statutory rules for the calculation of means for old age pension and other social assistance schemes as set out in the Social Welfare Acts and in regulations.

[Mr. Brennan.]

These rules apply equally to new applicants and existing pensions, including reviews arising after the death of a pensioner and in the light of any new facts or evidence relating to means. Social welfare inspectors establish the factual position regarding a pensioner's means when carrying out investigations or reviews and report this to the deciding officer.

Deciding officers determine pension entitlements based solely in accordance with the statutory rules and on any relevant case law. The various components of means, savings accounts etc. assessed in this way are retained on file. However, my Department is not in a position to know the source of any changes which occur in these means components.

Based on the information about their means available in the schedule of assets prepared by the personal representative for probate purposes, means of deceased pensioners are reviewed for the purposes of determining that the correct rate of pension was paid to them during their life. A decision to revise their pension rates which results in the raising of an overpayment will be charged against the estate concerned. My Department would seek to recover the resulting overpayment to the maximum extent possible in the particular circumstances.

In the case of reviews after the death of a pensioner, any such recovery of overpayment is normally sought in a lump sum from the estate of the deceased pensioner, through the personal representative. A declaration from a personal representative stating that the capital in the estate of the deceased pensioner arose from accumulated weekly pension savings by the pensioner would not affect the position as those savings must be treated in the same way as other capital for means determination purposes.

This overpayment recovery process is not a "claw-back" of pension, nor does it represent an imposition of penalties against the person's estate. It is the natural consequence of the retrospective revision of pension rates determined in accordance with the new facts available from the schedule of assets, assessed fully in accordance with the social welfare legislation applicable at the various stages of the pensioner's lifetime. As with any pension claim decision, it is open to the person concerned — including the personal representative in the case of a deceased pensioner — to appeal such decisions to the social welfare appeals office for independent determination of the situation.

In general, it is expected that most pensioners would spend all or most of their pension each week in meeting their normal day-to-day living expenses. In this regard, I encourage all pensioners to spend sufficient of their pension on themselves to ensure they have adequate food, heat and other essential comforts. I also expect that the families of pensioners would encourage them to budget to meet their living needs

adequately, rather than tolerate a situation where elderly people jeopardise their health and well-being.

I do not agree that there is a lack of transparency in the application of the means test rules by my Department. While these rules are undoubtedly complex, most of this complexity derives from a range of specific exemptions or disregards which have evolved over the years and are designed to facilitate pensioners in particular circumstances. It is almost universally known and understood by pensioners and their families that means are assessable for pension purposes. There are more than 100,000 old age, widow or widower non-contributory pensioners receiving a means-tested pension from my Department. It is not practicable to notify each of these pensioners regularly about the many aspects of the means rules that might affect them in their particular income or savings circumstances.

However, the need to notify my Department of any changes in circumstances, including changes in means, is printed on pension books. People paid by electronic funds transfer are notified of this requirement by mailshot each year along with information about changes in pension rates. Information about old age pension entitlements and rules is disseminated and promoted in my Department's publications, which are available in posts offices, citizens' information centres and social welfare information offices.

The legislation and administrative practice relating to the assessment of savings accumulated from underspend of pension has not changed in any way over recent years, apart from the introduction of the significant improvements in savings exemption limits referred to above. My Department has an ongoing policy of improving information for customers. In this context, there was a recognised need to clarify the situation for pensioners in regard to this long-standing aspect of means assessment. My Department's SW4 information booklet, Guide to Social Welfare Services, and SW60 booklet, Pensioners and Savings, are being updated to clarify the position in regard to this specific element of means. Both these booklets will be available shortly. In addition, my Department's guidelines on old age non-contributory pension, prepared in accordance with its obligations under the Freedom of Information Acts, has been updated to state that savings which accumulate from social welfare pensions, inheritances and other sources are taken into account in the means test.

The particular case referred to by the Deputy is under appeal. I have no function in this regard and am not in a position to make any comment on the individual matter.

Departmental Funding.

448. **Mr. Bruton** asked the Minister for Social and Family Affairs if permanent sources of funding have been identified for the Northside Community Law Centre; if the issues between his

Department and the Department of Justice, Equality and Law Reform have been resolved; and if his proposal to meet local Deputies to discuss the matter still stands. [19641/05]

Minister for Social and Family Affairs (Mr. Brennan): The Northside Community Law Centre is one of a number of organisations which are funded by my Department's scheme of grants for the development and promotion of information and welfare rights. Since its establishment in 1975, the centre has been funded exclusively by State agencies, including the Department of Justice, Equality and Law Reform. My Department took over direct funding of the centre in 1995. Annual funding has increased progressively over the years and my Department will provide funding of €360,000 to the centre in 2005.

I am fully cognisant of the valuable role which a community-based legal advice service such as the Northside Community Law Centre can play in the delivery of a comprehensive and cost-effective legal advice service for citizens. However, I am satisfied that my Department is not the most appropriate source of funding for this service. During 2004, social welfare queries represented just 5% of the annual business of the centre. The Department of Justice, Equality and Law Reform has primary responsibility for legal aid services. I have been in correspondence with my colleague, the Minister for Justice, Equality and Law Reform, regarding future funding of the centre but the issues in this regard are not yet resolved.

I met with a number of local Deputies and members of the board of the centre recently and, following on that meeting, I increased the centre's funding from €215,000 to €360,000 for 2005.

Social Welfare Benefits.

449. **Mr. Penrose** asked the Minister for Social and Family Affairs if he is aware that the number of free electricity units permitted under the household benefits scheme is no longer keeping pace with the level of increases imposed on consumers by the ESB; if he will take steps to increase the number of free units for those persons (details supplied); and if he will make a statement on the matter. [19820/05]

Minister for Social and Family Affairs (Mr. Brennan): The electricity allowance covers normal standing charges and up to 1,800 units of electricity each year. VAT due on this standard allowance is also covered. The value of the allowance, if fully taken up, is €359.91 per annum. The objective of the electricity allowance is to provide for a basic standard of electricity usage. That it is a unit-based allowance means any increases in the price of those units are covered. Proposals to increase the number of units provided by the electricity allowance would be a matter for consideration in a budgetary context.

450. **Mr. Gilmore** asked the Minister for Social and Family Affairs the reason social welfare recipients who opt for payment to a bank account

are paid in arrears, whereas those who opt for payment by book are paid in advance; if he has received any representations on this matter; if all social welfare recipients will be paid in advance; and if he will make a statement on the matter. [19878/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department provides people receiving social welfare payments with a range of payment options best suited to their needs. Electronic fund transfer, EFT, to personal bank accounts is one such payment method. When EFT was introduced, payments were made four weeks in arrears. In 2000 the payment frequency was reduced to two weeks in arrears and it was further reduced to one week in arrears in November 2004.

The further alignment of EFT payments with that of other payment methods, including the elimination of the week in arrears payment, is being kept under regular review by my Department and I am confident that progress on the issue can be achieved in the near future.

451. **Mr. Wall** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Offaly is not receiving rent allowance; and if he will make a statement on the matter. [19951/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are provided through the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive. Supplementary welfare allowance is not normally payable to people who are engaged in full-time employment.

However, special arrangements have been in place for a number of years which allow people to retain a portion of their rent supplement where they take up employment through approved schemes, such as community employment. Subject to a weekly household income limit of €317.43, the supplement may be retained on a tapered basis for up to four years, that is, 75% in year one, 50% in year two and 25% in years three and four respectively. A person on a community employment scheme whose household income is above the €317.43 limit mentioned above may still qualify for rent supplement under the standard assessment rules.

The Dublin and mid-Leinster office of the Health Service Executive has advised that the person concerned was initially awarded a rent supplement which was based on her income from her social welfare pension. Her case was later reviewed to take account of the fact that she had additional income from her participation in a community employment scheme. At the time of that review the tapered assessment method was found to be more beneficial to her and she retained 75% of her previous rent supplement entitlement on this basis.

[Mr. Brennan.]

Following further review recently, the level of her household income was found to be in excess of the €317.43 limit which allows for the retention of rent supplement on a tapered basis. When assessed under standard rules the person concerned is deemed to have sufficient income to provide for her rent costs. Payment of her rent supplement was terminated accordingly. The executive informed the person of her right of appeal against this decision but it has no record of an appeal by her to date.

Questions Nos. 452 to 463, inclusive, answered with Question No. 447.

Pension Provisions.

464. **Mr. Boyle** asked the Minister for Social and Family Affairs if it is proposed to exempt the lump sum payments to non-contributory pensioners who had their pension withheld by the health boards, if a pensioner may deposit this money at different times in different accounts; and the way in which it is possible to determine the source of those savings in assessing means under the proposed special exemption. [20022/05]

465. **Mr. Boyle** asked the Minister for Social and Family Affairs the reason for the discrimination in a case of pensioner A and pensioner B, where A is in a nursing home and gets €29,000 in back payments from the HSE which payment will be exempted by his Department from means testing, whereas B lives at home and has been saving a pension over many years accumulating €29,000, which under current regulations will be means tested. [20023/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 464 and 465 together.

The Government recently agreed the key elements of a scheme for the repayment of long-term stay charges. As I have already confirmed to the House in regard to those charged, such repayments will not impact on their current pension entitlements and I will make the necessary legislative changes to bring this provision into effect when full details of the repayment scheme have been finalised.

It will be a matter for pensioners themselves to decide what they do with any repayments received and they can, if they wish, deposit the moneys involved in any number of accounts. For means test purposes, once my Department has confirmed that such a repayment was received, an amount equivalent to that repayment will be exempt from assessment for pension purposes provided the pensioner owns capital equal to or in excess of the repayment sum. Where the pensioner's capital is less than the sum repaid, all the pensioner's capital will be exempt.

Over the period in question, my Department paid affected persons their full pension and other

social welfare entitlements and had no function in the deduction of the charges made. Given the unique background to the repayments, the Government decided that receipt of the lump sums involved would not incur a tax liability or adversely affect future entitlement to health services and social welfare payments in the case of those who were charged and are still alive.

For social welfare means test purposes, other capital which a pensioner has, regardless of whether that person received a repayment or not, will continue to be assessed in the normal way. From the beginning of this month, a single pensioner with no other means will be able to save up to €28,000 without affecting his or her entitlement in any way. This figure is doubled for a couple. As a result, all pensioners will, if they wish, be able to put an enhanced sum aside without any effect on their pension.

Social Welfare Benefits.

466. **Mr. Durkan** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Kildare has been refused rent assistance; when her rent assistance application will be reviewed; and if he will make a statement on the matter. [20069/05]

Minister for Social and Family Affairs (Mr. Brennan): The position remains as stated in my reply to Question No. 184, which I answered for the Deputy on 2 June 2005. The Dublin and mid-Leinster area of the Health Service Executive advised then that, following an assessment of her housing needs by the local authority, the person concerned was considered to have a suitable housing option available to her. In the circumstances, the executive determined that she was not entitled to rent supplement under the supplementary welfare allowance scheme. The executive now advises that the person concerned has been informed of her right to appeal against this decision but there is no record of such an appeal to date.

Driving Tests.

467. **Mr. Kehoe** asked the Minister for Transport the reason a person with an Irish driving licence must pass a UK driving test when disqualified from driving in the UK; if there are any circumstances when this test does not need to be taken and if it can be taken here; and if he will make a statement on the matter. [19290/05]

Minister for Transport (Mr. Cullen): In line with EU directive requirements, driving licences from EU member states are mutually recognised. A person may be the holder of only one EU driving licence and may only obtain a licence in the country in which he or she is normally resident. The UK requirement for a person who has been disqualified from holding a driving licence to pass the driving test as a prerequisite to having a licence restored is a matter appropriate to the UK authorities.

Foreign Military Aircraft.

468. **Mr. M. Higgins** asked the Minister for Transport his views on whether there is a difficulty and inconsistency with the citizens of a peace-loving and neutral country having to pay some of the costs of war, in view of recent revelations that taxpayers' money is used to effectively subsidise the US military's sending of armed troops and a wide range of munitions to war and to occupation of both Iraq and Afghanistan; and if he will make a statement on the matter. [19415/05]

471. **Mr. Eamon Ryan** asked the Minister for Transport his plans to continue the practice of reimbursing the Irish Aviation Authority for overflights in Irish airspace by foreign military aircraft; his further plans to charge foreign military aircraft for overflights in Irish airspace; and if he will make a statement on the matter. [18966/05]

472. **Mr. Eamon Ryan** asked the Minister for Transport his plans to renegotiate the Eurocontrol agreement in order that Ireland will join other neutral countries such as Austria, Finland and Switzerland that already charge for military overflights (details supplied). [18967/05]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 468, 471 and 472 together.

The use of Shannon Airport by US military forces is a practice that has been in place for several decades. Foreign military aircraft using the State airports pay the appropriate airport charge to each airport authority. Furthermore, civilian aircraft carrying troops pay all charges whether air traffic control or airport related.

The Irish Aviation Authority, IAA, provides air traffic control and communications services to aircraft passing through Irish controlled airspace, *en route*, and aircraft landing and taking off from Irish airports, terminal. Irish administered airspace covers 450,000 sq. km. of which 83,000 sq. km. is sovereign airspace. The flight path of military aircraft is primarily through international airspace administered by Ireland while only a small proportion of such flights land at Irish airports.

Under a European Organisation for the Safety of Air Navigation, Eurocontrol, multilateral agreement to which Ireland is a party, various categories of flights, including flights under visual flight rules, flights performed by small aircraft, flights performed for the transport of Heads of State and search and rescue flights, are exempt from paying *en route* charges. In the case of other categories, including military flights, training flights, flights performed to test air navigation equipment and circular flights, states have the option to exempt such flights from payment of the *en route* charge.

In common with most Eurocontrol member states, Ireland exempts all such flights, including military flights of member states of Eurocontrol,

United States and Canada, from payment of the *en route* charge and this arrangement has applied since Ireland joined the Eurocontrol *en route* charging scheme in the early 1970s. This arrangement means the IAA costs in regard to military flights are met from my Department's Vote.

Information received from Eurocontrol indicates that Austria, Finland and Switzerland do not at present grant exempt status to US military flights. However, my Department understands that invoices issued by the above states to the US authorities in respect of military flights have not been paid. It should be noted that Austria, Finland and Switzerland exempt other Eurocontrol member states from these charges on a reciprocal basis.

Ireland also exempts military aircraft flights from payment of the communications charge, a set amount per contact, and the IAA costs in regard to those charges are also met from my Department's Vote. Efforts to collect this charge in the early 1990s were unsuccessful and, following advice from the Attorney General, debts then outstanding were written off with the agreement of the Department of Finance and a decision taken to cease charging the communications fee to military aircraft.

The policy of exempting foreign military aircraft from the above charges is well established international practice and, while this policy is optional under Eurocontrol rules as pointed out earlier, there are no plans at present to discontinue it.

Road Traffic Offences.

469. **Mr. Allen** asked the Minister for Transport his views on whether the legislation regarding penalty points for those exceeding the speed limit does not apply to non-Irish citizens who do not hold Irish licences; and whether it is correct that if this category of person is caught for alleged speeding, no penalty points will be endorsed on their license. [19620/05]

Minister for Transport (Mr. Cullen): At present, where a driver with a foreign licence is detected committing a penalty point offence in the Republic, it is not possible to record penalty points as no entry exists in the national driver file relating to that driver. The Road Traffic Act 2002 provides that where such drivers pay a fixed charge, a record is opened in the national driver file recording details of the offence and the number of penalty points applicable are held in abeyance. Should the driver apply for an Irish driving licence at a later date, the points then become live and will be endorsed on the licence record for a three-year period.

Penalty points systems do not operate in all EU member states and in that context, there is no EU legal framework that would support the mutual recognition of such systems. The authorities in the Republic, Northern Ireland and Great Britain are considering the introduction of a scheme to provide for the mutual recognition of penalty

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points between the United Kingdom and Ireland. In addition to the system that operates in this jurisdiction, separate penalty points systems operate in Northern Ireland and Great Britain and there is no mutual recognition between those two systems. Accordingly, where a person who holds a Northern Ireland licence commits a penalty point offence in Great Britain, the points cannot be recorded on that licence. This consideration is being pursued under the auspices of the British-Irish Council, BIC.

The Northern Ireland Departments of the Environment and Regional Development are the lead agencies for transport and road safety related matters under the BIC and have been considering this matter. This Department has referred the matter to the Attorney General given the complex legal issues surrounding this area.

Driving Tests.

470. **Mr. Hogan** asked the Minister for Transport when a driving test will be arranged for a person (details supplied) in County Carlow; and if he will make a statement on the matter. [19844/05]

Minister for Transport (Mr. Cullen): A driving test will be arranged as soon as possible for the person concerned.

Questions Nos. 471 and 472 answered with Question No. 468.

School Transport.

473. **Mr. Wall** asked the Minister for Transport whether the fatalities that took place following the tragic school bus crash could have been averted had there been seat belts installed; and if he will make a statement on the matter. [18984/05]

Minister of State at the Department of Transport (Mr. Callely): Three separate investigations are under way by the Garda Síochána, Bus Éireann and the Health and Safety Authority in regard to last month's school bus accident in County Meath. It would be inappropriate for me to comment on the accident in advance of the completion of these investigations.

State Airline.

474. **Mr. Sargent** asked the Minister for Transport the way in which he responds to former Aer Lingus and current Aer Lingus workers who have been given in a number of cases 3,500 Aer Lingus shares each in lieu of settlements under a recent wage agreement and, as such, 2,000 hold between them 5 million shares; and the way in which shares will be disposed of without the permission of the shareholders. [18992/05]

Minister for Transport (Mr. Cullen): The total staff shareholding is currently 14.9% of the issued

share capital of Aer Lingus Group plc. This includes a shareholding of around 5% provided under an employee share participation scheme, ESPS, agreed with staff in the context of the Cahill plan in 1993 and an additional 9.9% provided under an employee share ownership plan, ESOP, agreed in the context of the 2001 survival plan. I understand that 11.6% of the total staff shareholding is held under the ESOP while individual staff hold 3.3%.

The terms of the ESOP provide that for so long as the State holds any shares in Aer Lingus, the total staff shareholding will not exceed 14.9% of the entire issued share capital of the company. However, in the event of a third party investment in Aer Lingus, the employee share ownership trust, ESOT, has the opportunity to acquire shares through its own means to restore the staff shareholding to 14.9%.

The conditions relating to the 3.3% individual staff shareholding, including its disposal, are covered in the provisions of the ESPS agreement together with the articles of association of the company. In particular, staff who have left the company and who have been allocated their shares, are entitled to retain these shares for three years. Should they wish to dispose of their shares within that three-year period, they can specify a minimum price which they must receive if the shares are sold in an internal market in the company. After that three-year period, they are required to submit these shares to the trustees for auction in the internal market with no minimum price and these shares can be purchased by the remaining staff or by the ESOT.

The remaining 11.6% staff shareholding has been notionally allocated by the ESOT to its beneficiaries. Until those shares are formerly allocated, they continue to be held by the ESOT on behalf of their beneficiaries and cannot be sold. Once formerly allocated, the disposal rules which apply to the ESPS shares will also apply to these shares.

Road Safety.

475. **Mr. Wall** asked the Minister for Transport his views on the need for seatbelts on bus transport; the potential cost of installing seatbelts on all school buses; the viability of such an installation; if his Department will endorse such a move; and if he will make a statement on the matter. [18994/05]

492. **Mr. Connolly** asked the Minister for Transport if it is proposed to make the fitting of seatbelts in school buses and public transport buses compulsory in the interests of safety; and if he will make a statement on the matter. [19305/05]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 475 and 492 together.

The European Union has developed proposals to require safety belts to be fitted to all seats in

all new vehicles, except for buses used on stage stop routes. Following the approval of the proposals by the European Parliament last month, the way is now open for their early adoption as directives so that new buses, including school buses, being registered from a date to be settled, perhaps late 2007, would require to be fitted with safety belts.

The retrofitting of safety belts in existing buses is a complex issue and would have to be considered having regard to a range of factors including the age of the vehicle, the type of safety belt proposed to be fitted, and the suitability of the vehicle for modification. The question of the installing of safety belts in existing school buses is being examined by the Department of Education and Science and by my Department. Estimates of the potential costs involved would be premature at this stage. The costs associated with a retrofit programme for school buses would be a matter for the Department of Education and Science.

Road Tolling.

476. **Ms O. Mitchell** asked the Minister for Transport if meetings or negotiations either by his Department or anyone else acting on his behalf have taken place with National Toll Roads on the issue of a buy-out by the State of the West Link toll bridge; the issues raised and progress made to date during such talks; if such talks have not taken place, if such a goal will be pursued; his views on such a buy-out by the State; and if he will make a statement on the matter. [19003/05]

477. **Ms O. Mitchell** asked the Minister for Transport the instructions he or any member of the Government have given to the NRA to renegotiate the NTR tolling contract on the West Link toll bridge; the assessment that has been made of the cost till 2020 of the buy-out of the bridge; the anticipated extend of the buy-out penalty over and above lost revenue; if an alternative Government toll will replace any negotiation; and if such a toll will not be such that it is designed to divert traffic from the M50 to local roads. [19062/05]

487. **Ms O. Mitchell** asked the Minister for Transport his views on the possible buy-out of the West Link toll bridge; and if any early discussions with NTR have taken place on this matter. [19217/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 476, 477 and 487 together.

The statutory power to levy tolls on national roads, to make toll by-laws, and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority, NRA, under Part V of the Roads Act 1993, as amended by the Planning and Development Act 2000.

The NRA has not submitted any proposals to my Department in regard to the issue of a buy-out of tolling rights on the West Link toll bridge.

However, I am aware that, in the context of the upgrade of the M50 and my policy objective to move to open road tolling, the NRA is in negotiation with NTR on the range of issues affecting the West Link toll agreement. The NRA will report to me on the outcome of its engagement with NTR including any implications for the current agreement.

Planning Issues.

478. **Mr. F. McGrath** asked the Minister for Transport if it is appropriate and safe to build 162 apartments above the Port tunnel while it is being constructed; if all planning and traffic count procedures were adhered to at the proposed apartment development (details supplied) in Dublin 9. [19081/05]

Minister for Transport (Mr. Cullen): The granting of planning permission for residential developments does not fall within the remit of this Department and in this case would be a matter for Dublin City Council. I understand that reports from the Dublin Port tunnel project office are requested by Dublin City Council on all applications for all development on or near the construction line of the Dublin Port tunnel and considered as part of the planning approval process. Dublin City Council informs me that in connection with this development, the appropriate report was received from the port tunnel project office and planning approval granted. Following a third party appeal, An Bord Pleanála subsequently granted approval in February 2004.

State Airports.

479. **Mr. Grealish** asked the Minister for Transport the Dublin Airport Authority plans in regard to the future of the Great Southern Hotel chain; and his plans to sell off the chain (details supplied). [19082/05]

Minister for Transport (Mr. Cullen): In accordance with the State Airports Act 2004, the three airport authorities, including the Dublin Airport Authority, are preparing comprehensive business plans for their airports. As part of its business plan, the Dublin Airport Authority will be addressing the position of its principal subsidiaries, including the future of the Great Southern Hotels group. I will be considering the DAA's proposals in consultation with the Minister for Finance.

Planning Issues.

480. **Mr. Bruton** asked the Minister for Transport if he is aware that a company (details supplied) participated as joint owner in the development of a site; if he has carried out an investigation of this matter in his capacity as policy director of the sector; if he has satisfied himself that there are no issues of conflict between the commercial interests of the company and its regulatory and planning role in regard to

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the development and management of State airports. [19083/05]

Minister for Transport (Mr. Cullen): As the Deputy may be aware, this matter is the subject of legal proceedings and is therefore *sub judice*. It would be inappropriate for me to comment on the matter raised.

Driving Tests.

481. **Mr. Connolly** asked the Minister for Transport if he will provide a progress report on the recruitment of the recently announced additional driving testers to reduce driving test waiting lists; and if he will make a statement on the matter. [19126/05]

Minister for Transport (Mr. Cullen): My Department is finalising conditions of service and job specifications for the driver tester posts for clearance by the Department of Finance and subsequent advertising of these posts by the public appointments service.

Decentralisation Programme.

482. **Mr. P. Breen** asked the Minister for Transport the status of and progress made in the planned decentralisation of staff of the Irish Aviation Authority to Shannon, County Clare; and if he will make a statement on the matter. [19136/05]

Minister for Transport (Mr. Cullen): Plans for decentralisation in this case are at an early stage as the authority has not been identified by the decentralisation implementation group as an appropriate candidate for an early move.

Traffic Management.

483. **Mr. Mulcahy** asked the Minister for Transport the percentage reduction of traffic on city roads since the introduction of the Luas. [19155/05]

Minister for Transport (Mr. Cullen): The specific data requested by the Deputy is not available. However, I understand that in excess of 14.5 million passenger journeys were recorded on Luas from the commencement of passenger services in June 2004 until the end of May 2005.

The Railway Procurement Agency, RPA, and the Dublin Transportation Office are carrying out a comprehensive assessment of the effect of Luas on travel patterns. The before Luas survey was carried out in the spring of 2004 and it is intended that the after Luas survey will be carried out in 2006 when travel patterns on Luas have become more established.

The RPA has also carried out less formal research on its customer base and it is clear that a large proportion of Luas users had previously used private vehicles. Apart from car transfers, there also appears to be a significant number of new trips to the city centre for business and or recreation. This view is shared by city centre busi-

nesses, which report substantial increase in business as a result of Luas and is reflected in the high levels of Luas usage in the traditional off peak periods and at weekends.

National Car Test.

484. **Ms O. Mitchell** asked the Minister for Transport if one public consultation in respect of the review of the national car test held at the Red Cow roundabout is not sufficient; if he will hold further meetings; if further advertising of the review will be undertaken; if he will allow persons to make representations to a company (details supplied) on-line or by letter as the meeting scheduled to meet the needs of the entire Dublin area was highly unsatisfactory. [19181/05]

Minister of State at the Department of Transport (Mr. Callely): The consultation process in connection with the mid-term review of the national car testing service, NCTS, was designed to facilitate maximum public participation with a range of means provided to enable persons to contribute to the review. In addition to public meetings which were held in Sligo, Tuam, Macroom, Kilkenny, Longford, Dublin and Limerick, persons could have participated in the review by making submissions on-line at www.nctsreview.ie, the specially created website for that purpose, or in writing, by post, to NCT review, PricewaterhouseCoopers, Wilton Place, Dublin 2. The notices concerning the public consultation process for the mid-term review of the NCTS were placed in both national and local newspapers and outlined the options available for contributing to the review. Media interest in the review also contributed in raising public awareness of the process. I should also point out that I wrote to each member of the Oireachtas on 22 April 2005 apprising them of the mid-term review and of the arrangements put in place to enable persons to participate in it including the venues for the public meetings.

PricewaterhouseCoopers, the professional services company, has been engaged by my Department to manage the mid-term review of the NCTS as an independent party and in that capacity it conducted the public consultation process. I am satisfied that given the level of public awareness of the review and the range of options available for participation, persons wishing to engage in the process had sufficient opportunities to do so. Accordingly, I do not intend to reopen the process nor hold further public meetings. I intend to announce any necessary adjustments to NCT arrangements, arising for this area, in the course of the next few months.

Ministerial Travel.

485. **Mr. Allen** asked the Minister for Transport the most up to date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in

his official party; the duration of the visit; and the total cost. [19192/05]

Minister for Transport (Mr. Cullen): I did not travel abroad for the St Patrick's Day celebrations. I attended the parade in Waterford.

Traffic Management.

486. **Ms O. Mitchell** asked the Minister for Transport if it is envisaged that a move to barrier free tolling will also involve a change in the tolling locations from the bridge to entry slip roads in order to facilitate the traffic management recommended at the public inquiry into the M50 upgrade. [19216/05]

Minister for Transport (Mr. Cullen): The design planning and implementation of the national roads programme, including the upgrade of the M50 and the related issue of barrier free tolling, is a matter for the National Roads Authority, NRA, and the relevant local authorities in consultation with the NTR. I understand from the NRA that in the context of the M50 upgrade scheme and associated move to barrier free tolling, negotiations on a range of issues affecting toll arrangements are taking place between the NRA and the NTR. The NRA will report to me on the outcome of its engagement with the NTR including the implications for the agreement with the NTR.

Question No. 487 answered with Question No. 476.

EU Legislation.

488. **Ms O. Mitchell** asked the Minister for Transport if he has considered a challenge to aviation Regulation 847/04 in view of the fact that its effect is to reinforce competitive disadvantage and could be considered contrary to EU law. [19255/05]

Minister for Transport (Mr. Cullen): The aim of Regulation 847/04 is to provide for co-ordination between individual member states and the Commission, for occasions when member states may wish to amend aspects of their bilateral agreements with third countries. The Commission had recognised that member states may need to negotiate with third countries on various aspects of their bilateral agreements on issues, such as market access, which were not the subject of the European Court of Justice ruling in November 2002. By introducing this regulation the intention was to ensure that any such negotiations are done in consultation with the European Commission, to ensure that the resulting amendments to bilateral agreements are not in conflict with European Law, or with negotiations that the Commission itself may intend to have with those third countries. On the assumption that this regulation is implemented in the spirit in which it was intended, I do not see any reason to take legal action.

International Agreements.

489. **Ms O. Mitchell** asked the Minister for Transport if, in view of the constraints placed on Ireland as a result of the proposed EU-US bilateral agreement on aviation, he will commit to opening talks with Canada in order to achieve a more liberal regime prior to any EU move in this regard. [19256/05]

Minister for Transport (Mr. Cullen): The existing Ireland-Canada air transport agreement is quite restrictive regarding the destinations both in Ireland and in Canada that can be served. The Canadian authorities have not been willing to revise the agreement to bring it more into line with Ireland's other agreements, unless the Shannon stop element was removed from it. However, my Department has agreed extra-bilateral arrangements with the Canadian authorities on a case-by-case basis to allow airlines to operate on routes between Canada and Ireland that are not included in the existing bilateral agreement, on the basis that they serve Shannon at least as often as they serve Dublin.

My Department will continue to take a pragmatic approach in the interest of facilitating air services between the two countries taking account of any regulatory developments that arise in the Ireland-US market. I understand the European Commission has no immediate plans to commence negotiations on an air service agreement with Canada.

490. **Ms O. Mitchell** asked the Minister for Transport if he will negotiate a phased withdrawal of the Shannon stopover under the bilateral agreements; and if Ireland has to await a new EU wide agreement with the US in order to gain greater access to American cities and *vice versa*. [19257/05]

Minister for Transport (Mr. Cullen): My officials have been maintaining contact with the US authorities, regarding issues surrounding the Ireland-US bilateral air transport agreement and the EU-US talks. As part of ongoing dialogue with the US on this issue, officials from my Department travelled to Washington to discuss the Ireland-US bilateral agreement on 6 April 2005, to explore what adjustments to the Ireland-US arrangements are possible. The meeting was technical and exploratory in nature, and no conclusions were reached at that meeting. Both sides agreed to keep in touch, and to continue to consider how those issues might be moved forward, having regard to the EU-US negotiations.

The recent Transport Council in Luxembourg on 21 April 2005 considered the issue of the EU-US negotiations. The Council authorised the Commission to prepare an outline of what it considers could be the elements of an overall EU-US deal. That outline will, I understand, be presented to the Council at its next meeting at the end of this month. Should the Council approve an outline deal, the Commission will seek to restart for-

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mal negotiations with the US, using that outline as a basis for negotiations. The negotiations would then focus on agreeing the necessary steps and stages to achieve the outline deal. Many uncertainties exist at this stage such as whether an outline deal can be agreed, whether the US will accept the outline deal if agreed in June, and how long it might take to negotiate all of the details of that deal.

I expect to have a clearer view as to how to proceed regarding Ireland-US Bilateral Agreement following the Transport Council, since the prospects for a re-engagement of the EU-US process will have a major bearing on the EU and US's attitude to amending the existing Ireland-US bilateral agreement.

Increased access to US destinations under an open skies agreement would provide significant benefits to Irish tourism, trade, economic growth and aviation. However, I am equally clear that Ireland must obtain the best possible transition for Shannon, to enable a smooth phasing in of open skies with the US in the future and I consider it appropriate for any changes that occur in this area to be on a phased basis over a number of years.

Driving Tests.

491. **Mr. McGuinness** asked the Minister for Transport the number of driving testers on duty in Kilkenny on 27 May 2005; the number of testers who travelled to Kilkenny from Dublin to conduct tests; the number of tests undertaken by a tester (details supplied) and the results in each case; and if he will make a statement on the matter. [19268/05]

Minister for Transport (Mr. Cullen): There was one driver tester on duty in the Kilkenny driving test centre on 27 May 2005. No driver tester travelled from Dublin to Kilkenny to conduct tests. The driver tester in the test centre on 27 May 2005 conducted seven driving tests and one candidate did not attend for his appointment. Four of the candidates passed and three candidates failed the driving test.

Question No. 492 answered with Question No. 475.

Road Network.

493. **Mr. Connolly** asked the Minister for Transport the level of INTERREG IIIA funding that has been allocated to local roads in County Monaghan; and if he will make a statement on the matter. [19306/05]

Minister for Transport (Mr. Cullen): My Department, in conjunction with Department of Regional Development, DRD, NI, is the implementing body for priority 2.1D, roads and public transport, of the INTERREG IIIA programme. A project involving minor road improvements in the Border region has been developed by DRD

NI, in consultation with Border local authorities and facilitated by the Irish central border area network, ICBAN. I understand Monaghan County Council has been allocated €200,000 under this project. Details of the individual schemes involved are a matter for Monaghan County Council.

494. **Mr. Kirk** asked the Minister for Transport his views on prioritising the development of an east-west link from Dundalk to Sligo with a view to enhancing the economic prospects for a considerable area along this route; and if he will make a statement on the matter. [19342/05]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects is a matter for the National Roads Authority, NRA, and the local authorities concerned. I understand from the NRA that the overall east-west link strategy is being advanced through a number of new schemes and pavement improvement works. The NRA has allocated €750,000 to Cavan County Council in 2005 to advance planning and design work on the proposed N3 Belturbet bypass project, in respect of which the compulsory purchase order, CPO, and environmental impact statement, EIS, are expected to be published this year. The NRA has also allocated over €1 million in 2005 to fund improvement works at various locations along the N16 Sligo to Enniskillen section of the route. These allocations include provisions of €650,000 for road pavement improvement and realignment works east of Manorhamilton to Glenfarne section of the route.

While the section of this route from Dundalk to Cavan is not a national road, the NRA has indicated that it will continue to keep the situation under review on an ongoing basis having regard to the funding available for, and other priorities on, the national roads programme.

Taxi Regulations.

495. **Mr. Cregan** asked the Minister for Transport the criteria which must be fulfilled by a person in order to secure a hackney licence; and if a person is already in full-time employment, if they are still entitled to hold a hackney licence. [19402/05]

Minister for Transport (Mr. Cullen): The licensing and operation of small public service vehicles, including hackneys, is governed by the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002. Under these regulations, hackney licences may be granted by local licensing authorities in respect of a particular vehicle following the presentation of a vehicle test certificate and a certificate of suitability issued in respect of the vehicle by the national car testing service, NCTS; demonstration that the use of the vehicle as a hackney is covered by insurance; the production of a tax clearance certificate by the applicant and the payment of the appropriate

licensing fee of €250. There is no stipulation on the employment status of the applicant.

Hackneys, as with all small public service vehicles, may only be driven by persons who hold a small public service vehicle drivers licence. Under the public service vehicles regulations, the consideration of applications for the grant of a small public service vehicle driver's licence is administered by the Garda Commissioner. Applicants are required to have a current driving licence, to produce a tax clearance certificate and to give an undertaking in writing that, if the licence is granted, they will not drive a public service vehicle for more than eleven hours in any one day in any period of three consecutive days. Applicants must also satisfy the Garda Commissioner that they are a fit and proper person to hold a licence to drive a small public service vehicle, that they have an adequate knowledge of general traffic regulations, the regulations relating to small public service vehicles and the area in which they propose to make services available as a driver of a small public service vehicle. Again, there is no stipulation on the employment status of the applicant.

Driving Tests.

496. **Mr. Wall** asked the Minister for Transport when a person (details supplied) in County Offaly will be granted a driving test; and if he will make a statement on the matter. [19428/05]

Minister for Transport (Mr. Cullen): There is no record in my Department of an application for a driving test having been received from the person concerned.

Rail Network.

497. **Mr. Stanton** asked the Minister for Transport the funding he has made available or intends to make available to enable the Midleton rail link to reopen; the total estimated cost of reopening the rail line; and if he will make a statement on the matter. [19429/05]

Minister for Transport (Mr. Cullen): In May 2003, the Government approved the development of a commuter rail service for Cork, including the reopening of its Cork City to Midleton line, the construction of a number of new stations and the provision of park and ride facilities at strategic locations. Since then, Iarnród Éireann has been engaged in preparatory work related to the Midleton line and, I understand, has recently completed a technical study related to its construction. The company expects to be in a position to submit a railway order application in respect of the line before the end of 2005. I understand that Iarnród Éireann is finalising a capital cost estimation for the entire Cork commuter rail project, which will be submitted to my Department when completed. The required funding for the project will be provided from a combination of Exchequer and EU funds, from special contri-

bution schemes established by the local authorities in Cork and from private funding.

Taxi Hardship Panel.

498. **Mr. G. Mitchell** asked the Minister for Transport if a person (details supplied) in Dublin 7 will be re-examined for compensation with regard to a taxi plate. [19441/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my answer to Question No. 259 of 20 April 2005. Area Development Management Limited, ADM, is administering and managing the taxi hardship payments scheme which is implementing the recommendations of the taxi hardship panel report. The processing and consideration of applications under the scheme is being undertaken by ADM independently of my Department. I have no role in the review of applications or the consideration of appeals under the scheme.

Road Safety.

499. **Mr. Kenny** asked the Minister for Transport the amount of funding which has been allocated to road safety initiatives for 2005; and if he will make a statement on the matter. [19454/05]

Minister for Transport (Mr. Cullen): Exchequer funding in respect of 2005 for road safety agencies under the aegis of the Department of Transport amounts to a total of €6.398 million, €3.965 million to the National Safety Council, NSC, and €2.433 million to the Medical Bureau of Road Safety. In addition the Exchequer provision to the National Roads Authority, NRA, for national road improvement and maintenance works in 2005 is €1.415 billion.

An upgraded roads network is, of course, a safer roads network. From this allocation the NRA will provide €40.4 million for specific road safety measures, which includes an allocation of €15 million for retrofitting of median safety barriers. Funding for road improvements and remedial measures on non-national roads is a matter for the Department of the Environment, Heritage and Local Government. The funding made available for Garda operations, which supports the enforcement of road traffic law is a matter for the Department of Justice, Equality and Law Reform.

Traffic Management.

500. **Mr. Bruton** asked the Minister for Transport the studies he has undertaken of traffic congestion surrounding Dublin Port; the recommendations which have emerged from these studies; the recommendations which have been accepted; and those which have been rejected. [19497/05]

506. **Mr. Bruton** asked the Minister for Transport the key recommendations of the task force on traffic congestion associated with Dublin Port; those which have been implemented; those which

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have been rejected and those which remain outstanding. [19639/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 500 and 506 together.

Traffic studies in the vicinity of the Dublin Port area are a matter for Dublin City Council. The preparation of a HGV traffic management strategy designed to ensure that maximum traffic benefits are secured from the opening of the Dublin Port tunnel early next year is a matter for Dublin City Council in consultation with the National Roads Authority, NRA. My Department will continue to liaise with Dublin City Council and the NRA as this strategy is finalized, so that I may be assured that the arrangements optimise the contribution that the port tunnel can make to Dublin's transport network.

Driving Tests.

501. **Mr. Lowry** asked the Minister for Transport the number of driving tests scheduled in each test centre from 1 July 2005 to 1 September 2005 on a weekly basis. [19498/05]

502. **Mr. Lowry** asked the Minister for Transport the number of driving testers rostered at each test centre from 1 July 2005 to 1 September 2005 on a weekly basis. [19499/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 501 and 502 together.

Schedules for driving tests are arranged four to five weeks in advance of the appointment date. As of this week schedules for driving tests are being finalised for week commencing 11 July 2005 and being arranged for week commencing 18 July 2005. The number of tests assigned will depend on whether the tester works overtime, is testing cars, trucks or motorcycles, and whether he or she is available for duty for all of the week being rostered.

Table 1 — Driving Tests Scheduled 27 June-16 July 2005.

Driving Test Centres	W/C 27/6/05	W/C 4/7/05	W/C 11/7/05
<i>North Leinster Region</i>			
Finglas	248	339	200
Raheny	58	111	182
Dundalk	54	81	115
Mullingar	22	—	61
Navan	74	113	114
<i>South Leinster Region</i>			
Churchtown/Rathgar	311	312	280
Tallaght	180	205	Schedule not finalised
Gorey	—	—	23
Naas	254	269	269
Tullamore	15	43	—
Wicklow	85	38	28

Driving Test Centres	W/C 27/6/05	W/C 4/7/05	W/C 11/7/05
<i>West Region</i>			
Athlone	77	42	87
Birr	—	18	—
Castlebar	99	123	78
Clifden	—	—	—
Ennis	—	—	81
Galway	77	79	103
Loughrea	25	20	86
Roscommon	18	—	—
Tuam	59	38	43
<i>North West Region</i>			
Ballina	86	—	—
Buncrana	44	31	—
Carrick-on-Shannon	68	—	36
Cavan	16	45	79
Donegal	49	—	49
Letterkenny	20	86	88
Longford	—	39	—
Monaghan	—	92	43
Sligo	36	50	20
<i>South East Region</i>			
Carlow	71	37	90
Clonmel	50	33	45
Dungarvan	43	85	38
Kilkenny	75	43	36
Nenagh	—	—	—
Portlaoise	49	70	—
Thurles	—	72	38
Tipperary	43	43	—
Waterford	126	—	112
Wexford	85	80	41
<i>South West Region</i>			
Cork	363	312	222
Killarney	—	—	—
Kilrush	—	—	—
Limerick	47	97	68
Mallow	40	75	44
Newcastle West	88	38	74
Shannon	85	—	40
Skibbereen	—	89	36
Tralee	77	79	93

Table 2 — Driver Testers Assigned 27 June-16 July 2005

Driving Test Centres	W/C 27/6/05	W/C 4/7/05	W/C 11/7/05
<i>North Leinster Region</i>			
Finglas	8	10	8
Raheny	3	3	5
Dundalk	2	2	3
Mullingar	1	—	2
Navan	2	3	3
<i>South Leinster Region</i>			
Churchtown/Rathgar	9	9	10
Tallaght	4	5	6

Driving Test Centres	W/C 27/6/05	W/C 4/7/05	W/C 11/7/05
Gorey	—	—	1
Naas	6	6	6
Tullamore	1	1	—
Wicklow	2	1	1
<i>West Region</i>			
Athlone	2	1	2
Birr	—	1	—
Castlebar	2	4	2
Clifden	—	—	—
Ennis	—	—	2
Galway	1	2	4
Loughrea	1	1	2
Roscommon	1	—	—
Tuam	2	1	1
<i>North West Region</i>			
Ballina	2	—	—
Buncrana	1	1	—
Carrick-on-Shannon	3	—	1
Cavan	1	1	3
Donegal	1	—	1
Letterkenny	1	2	3
Longford	—	1	—
Monaghan	—	3	1
Sligo	1	1	1
<i>South East Region</i>			
Carlow	2	1	2
Clonmel	1	1	1
Dungarvan	1	2	1
Kilkenny	3	1	1
Nenagh	—	—	—
Portlaoise	—	2	—
Thurles	—	2	1
Tipperary	1	1	—
Waterford	2	—	3
Wexford	2	2	2
<i>South West Region</i>			
Cork	8	8	6
Killarney	—	—	2
Kilrush	—	—	—
Limerick	4	3	2
Mallow	1	2	1
Newcastle West	2	1	2
Shannon	2	—	1
Skibbereen	—	2	1
Tralee	2	2	2

Road Traffic Offences.

503. **Mr. Allen** asked the Minister for Transport if persons who incur penalty points pursuant to section 5 of the Road Traffic Act 2002 and who pay their fines on time receive notifications from the Department of Transport informing them that the endorsement of the penalty points is only made effective on their driving licences five to six months after the date of the alleged offence due to Garda administrative backlogs; that the five to

six-month extension means motorists are serving three and a half years instead of the correct timeframe of three years for penalty points; if there is nothing stipulated in the Road Traffic Act 2002 to suggest that additional timeframe would be added to the three year timeframe by the Department of Transport to those who pay their fines on time; and if he proposes to deal with this serious loophole together with a number of the overall inadequacies associated with the penalty point system which are extremely unfair to those who pay their fines on time for the alleged penalty points. [19623/05]

Minister for Transport (Mr. Cullen): The Road Traffic Act 2002, which provides the legislative basis for the introduction and operation of the penalty points system, contains specific provisions governing application of such points on the licence record of an individual. Section 5 of the Act provides that where penalty points are to be endorsed on a record, a notification of that endorsement must be issued to the licence holder involved. The notice sets out in particular the basis for the endorsement of the points.

Section 7 of the Act provides that, save in very limited and quite specific instances, the operative date for penalty points is 28 days from the date of the notice issued under section 5. This date is referred to in the Act as the “appropriate date”, the provisions of which recognise that as a result of the endorsement of penalty points a person may face the application of an automatic disqualification from driving. Section 3 of the Act establishes that where a person accumulates at least 12 penalty points, he or she will be disqualified for a period of 6 months.

If penalty points were to be applied from the date of the commission of the offence in the first instance or from the date of the payment of the fixed charge, a person could be faced with the prospect that they would have already been disqualified in advance of any notification being sent to that effect. This would, in turn, create the situation that a person would be open to a charge of driving when disqualified where they had driven in the period between the commission of the original offence or the payment of the charge and the date of the notice.

The penalty points system has been designed and structured to ensure that any person who is accused of the commission of a penalty point offence is afforded a significant time period to choose whether or not to allow the matter to proceed to court. Save in respect of eight of the 70 offences determined to be penalty point offences in the Act, the option of the payment of a fixed charge is afforded to the accused person. A person presented with a fixed charge notice is given a period of 56 days in which to make such a payment before the certainty of a court summons is applied.

There is therefore a potentially significant period made available to a person to make a decision and all of the time lapses established in

[Mr. Cullen.]

the Act are set out in the fixed charge notice issued in respect of the alleged commission of the offence.

Both the Court Service and the Garda Síochána transfer the appropriate data relating to convictions and payment of fixed charges to the Department of the Environment, Heritage and Local Government to facilitate its entry into the national driver file, which is the responsibility of that Department. The administrative arrangements that apply to the operation of the fixed charge system by the Garda Síochána are a matter for the Garda Commissioner. In that context, as the processing of data on fixed charges by the Garda Síochána is operated on a manual basis, data relating to payments is received in non-electronic format by a company engaged by my Department to convert such data for transmission electronically to the national driver file. This process takes about five working days from date of receipt of the data.

The penalty points system has been operating successfully since its introduction in October 2002. The system was designed on the basis that its ultimate operation would be supported by a series of linked IT projects. The national driver file is fully operational and other IT support being developed by the Department of Justice, Equality and Law Reform will be available later this year. This will facilitate a major extension of the operation of the system, which will in turn augment the level of deterrent against poor driver behaviour and thus further enhance road safety.

Regional Airports.

504. **Dr. Cowley** asked the Minister for Transport if his attention has been drawn to the fact that Knock International Airport is one of Ireland's international airports, has a runway capacity for a Boeing 747 and is the only international airport located within the BMW region; if, in view of this and in view of the airport's significant regional development, he will support an investment programme for Knock International Airport (details supplied); and if he will make a statement on the matter. [19629/05]

Minister for Transport (Mr. Cullen): The policy on regional airports is to assist in optimising the contribution that the network of regional airports can make to balanced regional development. In appraising capital investment proposals, the priority is to focus on improvement works and upgrades in facilities that maintain continued safe and viable operations.

The three State airports, which operate to a commercial mandate, account for approximately 95% of all air traffic and are capable of serving the country's primary air transport needs. The State airports have the scope and capacity to expand to cater for future growth in national air traffic for the foreseeable future. Their size, scale and catchment areas mean they inevitably attract a range of airline services to and from other

locations. The reforms introduced in the State Airports Act are intended to strengthen and stimulate those airports in achieving greater efficiency and promoting further air traffic development. The role of the State airports is complemented by the regional development role of regional airports, such as Knock. The grant assistance schemes for regional airports are therefore targeted towards this complementary role.

Exchequer support for the six regional airports in Donegal, Sligo, Knock, Galway, Kerry and Waterford falls under two categories. Support for essential safety-related capital investment is available under the BMW and south and east regional operational programmes of the national development plan. Grants are also available towards operational expenditure incurred by the airports on marketing, safety and security. Over the past five years, Knock Airport has received more funding than any other airport under both NDP capital grants and marketing grants.

My Department also supports regional air access through the essential air service programme, by providing financial compensation to air carriers on PSO routes, such as Knock-Dublin, where carriers would not be prepared to operate on a commercial basis. I recently announced the award of the contract for the continuation of services on the route for the next three years.

Rail Services.

505. **Mr. Ring** asked the Minister for Transport if he has had any meetings recently with Irish Rail; his plans to discontinue the freight service in the country; the Government's policy on the freight service; and if he has had any discussions with Irish Rail on its stopping the freight services. [19638/05]

Minister for Transport (Mr. Cullen): It is my policy that Irish Rail should remain in the rail freight business and I am aware that it has made great strides in restructuring this element of its operations. Irish Rail has had wide ranging consultations with business interests around the country to identify those freight activities best suited to rail transport. It has developed a business plan based on a freight strategy which is to breakeven by 2006, increase the profitability of the existing profitable business, withdraw from those businesses that are heavily loss making, and target trainload traffic.

The company has made significant progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage, such as in the carriage of sugar beet, cement and pulpwood. Irish Rail continues to pursue a policy of growing its rail freight business where opportunities are presented. However, as in all businesses, it must adjust the freight business from time to time to reflect market realities. I support this position which has been conveyed by my officials to Irish Rail.

Question No. 506 answered with Question No. 500.

Regional Airports.

507. **Mr. Lowry** asked the Minister for Transport his views on the need to conduct a study proposed by an organisation (details supplied); if he will address the need for such an urgent study; and if he will make a statement on the matter. [19981/05]

Minister for Transport (Mr. Cullen): I do not believe that a study of the kind proposed by the Deputy is required. The restructuring of the State airports, including Shannon, is intended to enhance their regional focus and I am encouraged by the close co-operation between the new Shannon Airport Authority and the other regional development bodies in the area.

Work is underway in my Department on a ten-year transport investment framework which will address the future infrastructural requirements of the mid-west region. As the Deputy will also be aware, the restructuring of the State airports, including Shannon, will be progressed in the light of the assessment in due course, by both myself and the Minister for Finance, of the business plans which are under preparation by the three airport authorities.

As I have stated in previous replies, the development of an EU US open-skies regime provides many opportunities for Shannon Airport to contribute to the development of the mid-west. The liberalisation of the aviation market between the EU and US will mean more, not fewer, opportunities for Shannon to develop new routes into North America.

Security of the Elderly.

508. **Mr. Allen** asked the Minister for Community, Rural and Gaeltacht Affairs if he will fund the maintenance costs of monitored alarms fitted for the elderly. [19093/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The purpose of the scheme of community support for older people is to encourage and assist the community's support for older people by means of a community based grant scheme to improve the security of its older members. The scheme is administered by local community and voluntary groups with the support of my Department.

Resources are directed to providing equipment to those older members of the community in need of such assistance and who have not already had the equipment installed. The scheme provides maximum individual grants of €300 in respect of the once-off installation cost of socially monitored alarms, €150 in respect of door locks, window locks and door chains, €150 in respect of security lighting, and in 2004, I introduced a grant of €50 in respect of smoke alarms.

Where socially monitored alarms or security equipment previously installed under this scheme are broken or defective and are outside the guarantee period, a limited amount of funding is available towards the cost of replacement. I have no plans at present to further extend the scheme to fund the maintenance costs of socially-monitored alarm systems.

Irish Language.

509. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the discussions he has had with BCI regarding the establishment of an Irish language pop radio station catering for the 15-35 age group as part of a strategy of widening the appeal of and support for the Irish language; and if he will make a statement on the matter. [18961/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As I outlined in my reply to Question No. 47 of 22 February 2005, the Broadcasting Commission of Ireland, BCI, recently conducted a survey to determine the level of interest among the younger generation in Irish language radio programmes. The survey was co-funded by the commission, by my Department and Foras na Gaeilge. The BCI published the results of the survey on 20 January 2005. As I have already outlined to the House, this issue was brought forward in the context of the report of Coimisiún na Gaeltachta and in subsequent discussions by the advisory committee established by me to advise in regard to practical actions to implement the recommendations of the coimisiún.

Departmental Correspondence.

510. D'fhiafraigh **Mr. O'Shea** Community, Rural and Gaeltacht Affairs cén fáth nach bhfuair duine ó Chontae Phort Láirge aon fhreagra ar litir chláraithe a sheol sé chuig an Roinn ar an 16 Aibreán 2005 (sonraí tugtha); agus an ndéanfaidh sé ráiteas ina leith. [19067/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Nuair a fuarthas an litir atá luaite ag an Teachta, rinneadh cinneadh déileáil léi faoin Acht um Shaoráil Faisnéise de bharr an méid sonraíochta sonraíochtaí phearsanta ach go háirithe a bhí á lorg aige. Faoi mar is eol don Teachta, ní foláir, tá an duine a scríobh an litir ag lorg sonraí maidir le réimse leathan deontas deontais do dhaoine príobháideacha san áireamh — a íocadh ó mo Roinnse i nGaeltacht Phort Láirge faoi 5 scéimeanna éagsúla ó 1979 ar leith.

Tar éis tuilleadh machnaimh a dhéanamh ar an gceist, áfach, meastar nach féidir cás a shuíomh don ionchur acmhainní a bheadh riachtanach chun teacht ar an eolas atá iarrtha do thréimhsí chomh fada siar le 1979, go háirithe nuair nach bhfuil taifid ar fáil ar chórais ríomhaireachta mo Roinne do na blianta sin uile. Tá mo Roinn ag scríobh chuig an iarratasóir ar an mbonn sin.

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Bheifí sásta, ar ndóigh, faisnéis ghinearálta statisticiúil a chur ar fáil dó, nó faisnéis maidir leis na coinníollacha a bhaineann le scéimeanna ar leith, ach a bheith cinnte go mbeadh eolas dá leithéid fóna dó.

Rural Development.

511. **Mr. Ferris** asked the Minister for Community, Rural and Gaeltacht Affairs the measures his Department proposes to implement as part of the new EU rural development regulation. [19178/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Negotiations are under way at European Council level on the form and scope of the next generation of rural development measures under the new EU regulation, due to commence in 2007. A key feature of the Commission's proposals in this regard is the inclusion of a dedicated priority axis of measures aimed at addressing the critical social and economic difficulties faced by many rural communities throughout the European Union experiencing aging, static or declining populations.

It is expected that the EU Commission will issue guidelines shortly on priorities for rural development and the implementation of the regulation. Following on from this, my Department in conjunction with the Department of Agriculture and Food will prepare a joint national rural development strategy and a detailed national rural development programme. This will include a stakeholder consultation process later this year.

Ministerial Travel.

512. **Mr. Allen** asked the Minister for Community, Rural and Gaeltacht Affairs the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19193/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I refer the Deputy to my reply to Question No. 593 of 12 April 2005. No further invoices have been received by my Department to date.

Rural Social Scheme.

513. **Mr. Lowry** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs if a person (details supplied) in County Tipperary will be considered for a scheme; and if he will make a statement on the matter. [19503/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): To be eligible to participate in the rural social scheme a person must be in receipt of farm assist or have been allocated a valid herd or flock number from the Department of Agriculture and Food and be in receipt of unemployment assistance, unemployment benefit, if previously on a community employment scheme or disability allowance or be a self-employed fisherman whose fishing boat has been entered in the register of fishing boats or have been issued with a fishing licence for fishing for salmon at sea, from the Department of Communications, Marine and Natural Resources and be in receipt of unemployment assistance unemployment benefit, if previously on a community employment scheme or disability allowance.

I understand that the person concerned is not in receipt of any of these payments and is, therefore, not eligible within these criteria to participate on the rural social scheme. A review of the scheme is under way and the issue of eligibility for the scheme is being considered as part of this review.

Departmental Expenditure.

514. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the money spent by his Department on fishing and marine projects in each of the past five years and to date in 2005; the specific projects funded; the amount in each case; and if he will make a statement on the matter. [19606/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The information requested by the Deputy regarding fishing and marine projects funded from the Oileáin subhead of my Department's Vote is set out in the Table below. Information regarding similar projects funded from the subhead for scéimeanna feabhsúcháin sa Ghaeltacht is still being collated and will be forwarded to the Deputy as soon as possible. The total amount paid by my Department and its predecessor, the Department of Arts, Heritage, Gaeltacht and the Islands on fishing and marine projects funded from the Oileáin subhead from the year 2000 to date was €17,197,189.

Table: Expenditure on Marine Works funded from the Oileáin Subhead 2000-2005.

	Island	Project	2000	2001	2002	2003	2004	2005	Total	
Donegal	Árainn Mhór	Protection wall at Leab Garbh	€ 57,138.00						€ 57,138.00	
		Repair works at Poll an Mhadaidh pier	1,143.00	2,032.00						3,175.00
		Major works at Leab Garbh pier	209,507.00	158,717.00	52,697.38					420,921.38
		Works on Leab Garbh pier		38,092.00	25,394.76					63,486.76
		Preliminary Report for Rannach pier		114,061.00	19,046.07					133,107.07
		Lighting at Aphort Pier				1,269.74				1,269.74
		Harbour facilities at Machaire Rabhartaigh			589,158.00	1,058,020.38	840,323.50			2,487,501.88
		Crane at pier			38,092.00					38,092.00
		Shelter building at pier					3,500.00			3,500.00
		Hand rails							2,500.00	2,500.00
Donegal	Inis Fraoigh	Repairs to slipway					5,000.00		5,000.00	
		Preliminary Report for the pier		51,607.00					51,607.00	
		Dredging works on pier							25,394.76	
Donegal	Inis Bó Finne	Repair works to slipway					6,348.69		6,348.69	
		Extension of Cooney Pier							123,696.43	
Sligo	Cooney	Design work for pier				38,568.50	85,127.93		123,696.43	
						14,572.11	4,581.89		19,154.00	
Mayo	Inis Bigil	Slipway at Doran's Point			122,625.00	194,675.00			317,300.00	
		Slipway at Gob na Dumhaí				240,900.00			240,900.00	
		Slipway at Béal an Bhulláin				35,000.00	1,500.00		36,500.00	
		Repairs to old pier	3,174.00						3,174.00	
Mayo	Inishturk	Improvement on access to the pier							31,743.00	
		Preliminary Report and Contract Document for developments to pier.		201,577.00	75,436.00				277,013.00	

	Island	Project	2000	2001	2002	2003	2004	2005	Total
	Clynish	Repairs to pier	€	€	€	€	€	€	€
	Inishyre	New pier					345,849.00		345,849.00
	Clare Island	Preliminary Report and Contract Document for developments to pier	203,884.00	45,406.00	285,104.00				534,394.00
		Contract Document for developments at Roonagh pier.			61,312.00				61,312.00
		Development works at Roonagh pier		55,852.00		1,360,768.40	366,136.05		1,726,904.45
	Inishturk & Clare	New piers on both islands	62,972.00			249,053.44	7,891,932.96	43,333.34	8,184,319.74
	Inishcuttle	Lights at pier				1,250.00			1,250.00
	Inse Gort	New pier				37,500.00	75,000.00		112,500.00
	All Islands	Study carried out by Mayo County Council on all piers and harbours in Co Mayo			20,000.00				33,000.00
Galway	Inis Mór	Lighting at Cill Ronáin pier			2,539.48				2,539.48
		Repair works to deck at Cill Einne pier	6,666.00		7,698.00		491.00		14,855.00
		Essential repair works at Cill Ronáin pier			422.00		11,016.00		11,438.00
		To bring Cill Ronáin pier to Contract Document stage			53,212.15				53,212.15
		Preliminary Report for Cill Mhuirbhí pier.		276,273.00		35,892.54			312,165.54
		Essential repair works at Cill Mhuirbhe pier			19,451.12				19,451.12
		Construct wall and provide parking space at pier					5,713.50		5,713.50
		Essential repair works on Cill Ronáin old pier					14,084.00		14,084.00
							7,500.00		7,500.00
	Inis Meáin	Essential repair works of slipway at Cora pier			9,523.00		2,116.50		11,639.50
		Preliminary Report for Caladh Mór pier		63,487.00					63,487.00
		Physical Wave Modelling for Pointe an Chóra			114,807.07				114,807.07
		Repair works to Cill Mhuirbhe pier			19,360.00				19,360.00
						2,275.00			2,275.00

	Island	Project	2000	2001	2002	2003	2004	2005	Total
	Inis Oírr	Essential safety works at pier	€	€	€	€	€	€	€
	Inishboffin	Cleggan pier Dredging at pier Protection wall at old pier Repair faulty ducting at pier and repair lights	63,487.00	47,615.00	85,415.00 12,697.38	100,000.00	125,576.20		10,575.00 111,102.00 310,991.20 12,697.38
	Omey	Develop Slipway and Parking Space			4,239.00				4,239.00
	Inis Treabhair	Repair works to pier			19,046.07		21,301.00		19,046.07 21,301.00
Cork	Cléire	Carpark at Dún na Séad pier Repair works at Cuas a'Dubhghlais pier	71,105.00 161,863.00	129,650.00					71,105.00 291,513.00
	Whiddy Long	Lights on the pier Major works at Colla pier (mainland)	6,984.00 38,666.00						6,984.00 38,666.00
Kerry	Finat	Repair works to protection wall at pier				17,836.00	7,909.00		25,745.00
	Valentia	Preliminary Report for Valentia pier Preliminary Report for Rinn Árd pier (mainland)		17,776.00 17,776.00					17,776.00 17,776.00
			901,191.00	1,878,914.00	2,168,045.86	3,334,143.99	8,990,384.69	43,333.34	17,197,188.88

Grant Payments.

515. **Mr. Aylward** asked the Minister for Community, Rural and Gaeltacht Affairs if he will review the decision by his Department to terminate funding to the community workers cooperative; and if he will make a statement on the matter. [19615/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I refer the Deputy to my answer to Questions Nos. 47 and 50 of 19 Bealtaine 2005.

Security of the Elderly.

516. **Mr. Naughten** asked the Minister for Community, Rural and Gaeltacht Affairs the reason personnel installing personal alarms under the community support for older people scheme do not have a member of the local community alert accompanying them; if this is in breach of the guidelines established by his Department; if it is his Department's plan to phase out the involvement of voluntary community organisations from the scheme; and if he will make a statement on the matter. [19704/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The scheme of community support for older people is administered through local community and voluntary groups with the support of my Department. There are no plans to phase out the involvement of such groups. It is not a requirement of the scheme for participating local community and voluntary groups to accompany personnel installing equipment provided for under the scheme. However, under the scheme groups are required to deal only with suppliers that are, in their view, reputable with a proven track record and an ability to operate to best industry standards.

Genetically Modified Organisms.

517. **Mr. Ferris** asked the Minister for Agriculture and Food the procedures which are in place to test animal feed for genetically modified content. [19020/05]

Minister for Agriculture and Food (Mary Coughlan): Each year, as part of its control plan, the Department of Agriculture and Food prepares an annual inspection programme detailing the number and category of feed samples to be drawn for analysis. With the coming into force in April 2004 of EU Regulation 1829/2003/EC, requiring member states to carry out the appropriate controls to ensure compliance with GM labelling requirements for food and feed, the Department of Agriculture and Food added such controls to their annual inspection programme in respect of animal feed. Sampling and analysis is targeted at whole seeds and by-products of commercially available genetically modified organisms, that is, soya bean, oilseed rape, maize, cotton and compound feed containing such products.

Samples are sent to the State Laboratory for analysis and follow up action is taken where required.

Farm Retirement Scheme.

518. **Mr. Perry** asked the Minister for Agriculture and Food if she will address the various concerns highlighted in the attached submission on the subject of the early retirement scheme for farmers; and if she will make a statement on the matter. [18938/05]

Minister for Agriculture and Food (Mary Coughlan): The Joint Committee on Agriculture and Food has produced a report on a broad range of issues relating to the early retirement scheme, not all of which are within my remit. I expect to be in a position shortly to respond to the report. In responding, it will be necessary to take account of the EU regulations governing the early retirement scheme and I intend to have regard also to an expenditure review of the scheme which was carried out by my Department.

Live Exports.

519. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she will take with her UK counterparts to ensure that no lamb is being exported from Scotland, England or Wales via Northern Ireland into the Republic in view of the impact that this would have on disease control; and if she will make a statement on the matter. [18939/05]

Minister for Agriculture and Food (Mary Coughlan): Trade in sheep between member states is governed by EU legislation which prescribes the conditions for trade which vary by reference to the category of sheep involved. For all categories it is a requirement that a veterinary inspector must satisfy, *inter alia*, that the sheep were resident on the holding of origin for 30 days, or 21 days for slaughter sheep, and that no sheep were moved onto the holding during the previous 21 days.

In general, the forgoing rules apply to imports of all sheep into Ireland. However, as part of developing an all-island animal health strategy, a derogation is applied in the case of sheep from Northern Ireland which are for immediate slaughter. However, all sheep must be accompanied by an intra-community health certificate.

I am advised that specific measures are operated by the Northern Ireland authorities to control the movement of sheep into Northern Ireland from other parts of the United Kingdom. However, it should be noted that under EU rules sheep from Great Britain may be imported legitimately provided they are properly certified.

International Agreements.

520. **Mr. Naughten** asked the Minister for Agriculture and Food the steps she will take at Euro-

pean level to ensure that WTO negotiations on the import of beef and lamb from third countries is done so by the introduction of a carcass limit in conjunction with a tonnage limit; and if she will make a statement on the matter. [18940/05]

Minister for Agriculture and Food (Mary Coughlan): Agreement was reached in August 2004 on a framework which sets out the overall outline and structure of the next World Trade Organisation, WTO, agreement. The framework provides that the substantial improvement in market access envisaged by the WTO ministerial conference in Doha in 2001 will be achieved through tariff reductions and expansion of tariff quotas, with flexibility in the case of sensitive products. The detailed implementation of the framework agreement is the subject of ongoing negotiation at technical and political level with the aim of concluding an agreement at the WTO ministerial conference in December 2005.

A basic principle of the rules-based international trading system agreed by WTO members is that trade which respects WTO rules should not be impeded. Consequently, imports of meat products on which the appropriate tariff has been paid and which otherwise respect the WTO rules cannot be restrained on the basis of carcass limits or tonnage limits. WTO rules include a special safeguard clause which provides for the application by WTO members of additional duties in the event of a volume surge in imports or a fall in import prices which undermines or threatens to undermine domestic production. The continuation of the special safeguard clause is one of the issues to be agreed in the negotiations on the new agreement.

It is my intention to secure in the context of the WTO negotiations, an import regime, including the continuation of safeguard provisions which protect the interests of Irish beef and lamb producers on the domestic and EU markets, and avail, where appropriate, of the provision for sensitive products in the framework agreement.

Bovine Diseases.

521. **Mr. Deenihan** asked the Minister for Agriculture and Food if a compensation scheme will be made available for herds affected by bovine viral diarrhoea; and if she will make a statement on the matter. [19113/05]

Minister for Agriculture and Food (Mary Coughlan): Bovine viral diarrhoea, BVD, is not a scheduled disease under the Diseases of Animals Act 1966, and there are no funds at my disposal out of which financial assistance could be given to cover outbreaks of this disease. If serious outbreaks occur, advice should be sought by the owners of affected herds from their veterinary surgeons. The Department's veterinary laboratory service is available to provide additional advice if required.

Food Labelling.

522. **Mr. Connolly** asked the Minister for Agriculture and Food if she is satisfied with the standard of accuracy of labelling of meat and meat products; and if she will make a statement on the matter. [19115/05]

Minister for Agriculture and Food (Mary Coughlan): Much legislation governs the labelling of meat and meat products. The general labelling regulations covering, among other things, all food sold in Ireland require that the information be given clearly, accurately and in a language understood by the consumer. This legislation comes within the remit of the Department of Health and Children.

My Department is responsible for legislation policy on the labelling of specific products including beef and poultrymeat. The labelling of beef is governed by EU regulations introduced in 2000. These require operators involved in marketing beef to label their product with a reference code to enable the beef to be traced back to the animal or group of animals from which it was derived, the approval number of the slaughterhouse and the country in which it is located, the approval number of the de-boning hall and the country in which it is located and an indication of the origin of the animal from which the beef was derived. For the purpose of these regulations, marketing means all aspects of beef production and marketing up to and including retail sale.

These labelling requirements, compulsory in all member states, apply to the marketing of beef within the community, regardless of whether that beef was produced within the community or in a third country. Where beef is imported in to the community from a third country and not all the above details are available, that beef must, at a minimum, be labelled as "Origin: non-EC" along with an indication of the third country in which slaughter took place.

The EU requirements in respect of labelling of beef do not apply at the point of final consumption in the restaurant and catering sector and Ireland has raised this with the European Commission. I have already made clear my view that the country of origin should be displayed in respect of beef served on such premises and that consumers are entitled to such information. My Department is working with the Department of Health and Children to progress appropriate national legislation as soon as possible to bring this into effect.

My Department introduced two regulations on the labelling of poultry meat at the beginning of last year. The first of these regulations requires loose and pre-packaged poultrymeat originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second requires information regarding class, price per unit weight, condition and slaughterhouse details in respect of loose poultrymeat to be provided to the consumer. Heretofore, while these labelling indications have

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been compulsory for pre-packaged poultrymeat, it had not been a requirement to provide this information for poultrymeat sold loose.

Arising from the implementation of the recommendations of the food labelling group responsibility for the enforcement of all of food labelling legislation is now centralised with the Food Safety Authority of Ireland, FSAI.

On the food labelling issue in general, I must emphasise that my primary aim is to protect consumer interest and to ensure that the consumer is properly informed. Ireland is a major exporter of food and food products and indeed there are also considerable imports, so it is imperative that the same standards are applied to the labelling of foods in every sector and that there is a level playing field for the food industry at all levels. In this context my Department has pursued assiduously the implementation in as full a manner as possible of the recommendations of the food labelling group. At a meeting of the Council of Agriculture Ministers on 28 February this year I raised again the issue of labelling of foodstuffs and I, along with a number of member states, asked the Commission to further examine how best food labelling should be handled at EU level in order to best protect the interests of the consumer.

Disadvantaged Areas Scheme.

523. **Mr. M. Moynihan** asked the Minister for Agriculture and Food her plans to extend the disadvantaged area in any new negotiations with the European Commission. [19173/05]

Minister for Agriculture and Food (Mary Coughlan): The negotiations on the rural development framework for 2007 to 2013 are expected to conclude next week. It will be then for the individual member states to formulate their national rural development strategies and programmes. Allied to these developments, the possibility of seeking an extension to the disadvantaged areas can be borne in mind. I should point out, however, that the new regulatory framework could preclude an extension pending the adoption of new classification criteria. It will also be recalled that the EU Commission indicated previously that an application for an extension would not be considered in isolation and would result in a review of all our disadvantaged areas.

Direct Payment Schemes.

524. **Mr. Wall** asked the Minister for Agriculture and Food the estimated projected loss to farmers in Kildare of the special premium overshoot; if a reduced rate of payment will be made to the farmers in question; and if she will make a statement on the matter. [19174/05]

525. **Mr. Wall** asked the Minister for Agriculture and Food the number of meetings she has had or proposes to have with the EU Com-

missioner in regard to the special premium overshoot and its effect on farm income; and if she will make a statement on the matter. [19175/05]

526. **Mr. Wall** asked the Minister for Agriculture and Food the number of meetings her officials have had with the IFA in regard to the special premium overshoot; the action taken as a result of such meetings; and if she will make a statement on the matter. [19176/05]

527. **Mr. Wall** asked the Minister for Agriculture and Food the estimated loss to the farming community of the special premium overshoot; if a satisfactory resolution of the issue is not attained, the plans she has to address such a position; and if she will make a statement on the matter. [19177/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 524 to 527, inclusive, together.

As the Deputy is aware, Ireland implemented the single payment scheme in January 2005. The special beef premium scheme and the slaughter premium scheme were the only schemes where the deadline for receipt of applications was 31 December 2004. This meant that as many farmers as possible submitted their applications in late December 2004 in order that they could benefit from the special beef premium. Under the 2004 scheme, applications for in excess of 2.4 million animals were lodged, of which almost 1.4 million were quota animals, that is, first age-bull animals. The application figure in each of the three previous years was 1.9 million animals.

I am fully aware of the impact that the overshoot reduction will have on farmers who claimed on more than 25 animals. The decision to opt for full decoupling was arrived at following careful consideration of all options and a widespread public consultation process. A persuasive factor in this process was the suggestion that farmers in those member states which fully decoupled would not be disadvantaged during the transitional period. The level of overshoot of the regional ceiling is attributable to the ending of the special beef premium scheme in 2004 and application patterns, both in terms of total numbers of animals applied upon and the timing of lodging of applications, strongly suggest this to be the case.

I am seeking a solution to this issue and will continue to do so with the European Commissioner. I have already raised the issue with the Commissioner on a number of occasions during various meetings. My Department also forwarded a detailed submission to the European Commission dealing with this matter on 25 April 2005 and a meeting between my officials and the various services of the Commission's agriculture directorate general will take place later this week. The matter has also been discussed with the Commissioner's cabinet and the most senior officials of the European Commission.

I have also met the president of the Irish Farmers Association and several of that organisation's

senior officials, while my officials have also had numerous meetings with IFA officials. I continue to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the special beef premium in 2004.

Given the current position with regard to the processing of the 2004 scheme and the ongoing discussions with the Agriculture Commissioner on the overshoot, it is not possible at this stage to be definitive about some of the issues raised.

Official Engagements.

528. **Mr. Allen** asked the Minister for Agriculture and Food the most up-to-date information on her travels abroad for the St. Patrick's Day celebrations; the persons who travelled with her in her official party; the duration of the visit; and the total cost. [19194/05]

Minister for Agriculture and Food (Mary Coughlan): After attending a Council of Agriculture Ministers meeting in Brussels, I travelled to Paris to meet the French Minister for Agriculture, Food, Fisheries and Rural Affairs on 15 March to discuss EU agricultural matters. I subsequently represented the Government at a number of St. Patrick's Day events in Paris from 16 to 18 March. These events included hosting a reception in the Embassy for Irish and French business and community representatives. In addition, I participated in Bord Bia and Bord Iascaigh Mhara export promotion activities as well as launching a new export contract for the sale of Irish beef to a major French retailing group. I was accompanied on the visit by my husband and private secretary. The full cost is not yet available but costs to date amounted to €2,480.

Grant Payments.

529. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the full ten and 22 months special beef premium has not been awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [19210/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted two applications under the 2004 special beef premium-bull premium scheme in respect of a total of six animals. The first application, in respect of one animal, was received on 12 October 2004. The second application, in respect of five animals, was received on 21 October 2004. Following computer validation, it was found that the animal included on the first application and two of the animals included on the second application were ineligible on the date of application in that they were too young. However, following review it is now proposed to consider these animals for premia, effective from the dates from which they became eligible for the scheme. Provided these animals are found to comply otherwise with the

scheme requirements, payment will issue in due course.

Direct Payment Schemes.

530. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food the position regarding beef premiums (details supplied). [19224/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, Ireland implemented the single payment scheme in January 2005. The special beef premium scheme and the slaughter premium scheme were the only schemes where the deadline for receipt of applications was 31 December 2004. This meant that as many farmers as possible submitted their applications in late December 2004 in order that they could benefit from the special beef premium. Under the 2004 scheme, applications for in excess of 2.4 million animals were lodged, of which almost 1.4 million were quota animals, that is, first age-bull animals. The application figure in each of the three previous years was 1.9 million animals.

I am fully aware of the impact that the overshoot reduction will have on farmers who claimed on more than 25 animals. The decision to opt for full decoupling was arrived at following careful consideration of all options and a widespread public consultation process. A persuasive factor in this process was the suggestion that farmers in those member states which fully decoupled would not be disadvantaged during the transitional period. The level of overshoot of the regional ceiling is attributable to the ending of the special beef premium scheme in 2004 and application patterns, both in terms of total numbers of animals applied upon and the timing of lodging of applications, strongly suggest this to be the case.

I am seeking a solution to this issue and will continue to do so with the European Commissioner. I have already raised the issue with the Commissioner on a number of occasions during various meetings. My Department also forwarded a detailed submission to the European Commission dealing with this matter on 25 April 2005 and a meeting between my officials and the various services of the Commission's agriculture directorate general will take place later this week. The matter has also been discussed with the Commissioner's cabinet and the most senior officials of the European Commission.

I continue to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the special beef premium in 2004.

Grant Payments.

531. **Mr. Neville** asked the Minister for Agriculture and Food if a development grant will be made available to a person (details supplied) in County Limerick in view of the bona fide

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development of the installation of bulk tank, cooler and heater. [19258/05]

Minister for Agriculture and Food (Mary Coughlan): The person concerned applied for grant aid from my Department under the dairy hygiene scheme in December 2004. However, as the installation of the equipment concerned had been completed in June 2003, the application was deemed ineligible for aid. As it is a strict condition of the scheme that grant aid will not be paid for works commenced before written approval has been conveyed to the applicant, I regret that I am not in a position to provide any assistance to the applicant in this case.

Forestry Sector.

532. **Mr. O'Shea** asked the Minister for Agriculture and Food her reaction to the IFA strategy to meet national planting targets of 20,000 hectares of farm forestry per annum (details supplied); and if she will make a statement on the matter. [19276/05]

Minister for Agriculture and Food (Mary Coughlan): I am in agreement with many of the proposals outlined in the strategy and welcome this valuable contribution to the forestry debate at this time. A planting level of 20,000 hectares per annum is one of the targets set out in the programme for Government 2002 and is also in the 1996 programme, Growing for the Future.

I will review the current forestry strategy following the conclusion of the new EU rural development strategy 2007-13 and will seek the views of all stakeholders on the future of this important land use option. I hope the IFA strategy will heighten the awareness and interest of farmers in forestry and contribute to greater participation in the forestry schemes administered by my Department.

Farm Retirement Scheme.

533. **Mr. Neville** asked the Minister for Agriculture and Food when repayment through the farm retirement pension will be awarded to a person (details supplied) in County Limerick. [19285/05]

Minister for Agriculture and Food (Mary Coughlan): The person named entered the scheme of early retirement from farming on 27 October 1994 and his participation ceased on 26 October 2004 when he had completed the maximum period of ten years in the scheme. Therefore, no further payments are due to him.

Direct Payment Schemes.

534. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not been notified regarding the single farm payment; if her attention has been drawn to circumstances in this per-

son's case; and if she will make a statement on the matter. [19376/05]

Minister for Agriculture and Food (Mary Coughlan): The records held by my Department indicate that the herd owner applied for area aid in 2000. There is no record of payment to him under the special beef premium scheme in 2000 or 2001. Ewe premium was paid to the herd owner in 2002. The herd owner concerned was issued with a provisional entitlement notice for the single payment taking account of the information set out above on 10 September 2004. I have arranged for the correspondence to be sent to him again.

Grant Payments.

535. **Mr. Kenny** asked the Minister for Agriculture and Food when a person (details supplied) will receive the balance of payment of grants for 2002 and 2003. [19377/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for premium on 37 and 36 animals, respectively, under the 2002 and 2003 suckler cow premium schemes. He received payment in respect of 34 animals for both years, as this is the number of quota rights on record for him. However, it was found at an inspection on 8 August 2002 that five animals were non-compliant with CMMS identification and registration requirements. As a result of this his payment under the 2002 scheme was subject to a 6.64% penalty. Following a review of the case, the number of non-compliant animals has been reduced to one and, as a result, a lesser penalty now applies. His 2002 payment will be recalculated and supplementary payment should issue within the next three weeks.

Regarding the 2003 payment to the person named, an inspection on 12 Sept 2003 revealed two animals non-compliant with CMMS regulations and this gave rise to a 2.78% reduction penalty being applied. This decision was upheld following internal Department review and subsequently by the agriculture appeals office. No further payment is due under the 2003 suckler cow scheme.

Given the integrated nature of the bovine schemes, any penalty assigned under one scheme also applies to those other schemes under which an applicant has lodged applications. In the case of the special beef premium scheme, therefore, the penalties applied to the suckler cow premium scheme application of the person named were also applied to this scheme. Given the reduction in the penalty under the 2002 suckler cow premium scheme, a balancing payment is now also due under the special beef premium scheme. This payment will be made shortly.

Where it is necessary to apply a penalty to a suckler cow and-or special beef premium scheme payment, under EU regulations a penalty in the same percentage must also be applied to extensification premium where payable. In the case of

the person named, respective penalties of 6.64% and 2.78% were also applied to his 2002 and 2003 extensification premium scheme payments. As a result of the reduction in penalty in relation to the 2002 scheme year, a supplementary payment under extensification will issue within the next three weeks.

The person named received his full entitlement under the 2002 ewe premium scheme. Under the 2003 ewe premium scheme the person name applied on 17 ewes. At an inspection of his flock on 21 February 2003 he presented only 12 ewes. Consequently, under the terms and conditions of the scheme he was deemed ineligible for payment. He was notified of this decision in writing on 25 April 2003 and was advised that he could have his case reviewed by submitting an appeal within 21 days to the district livestock inspector at his local office. No record of an appeal has been received by my Department. The person named received his full entitlement under the 2002 and 2003 area based compensatory allowance scheme.

EU Audits.

536. **Mr. P. McGrath** asked the Minister for Agriculture and Food if the attention of her Department officials in County Galway was drawn to an impending EU representatives' audit which was to take place up to two weeks in advance of this scrutiny; if the files to be inspected were identified at this early stage prior to the audit; if her inspectors scrutinised these files prior to this audit; if this is normal procedure in such audits; and if she will make a statement on the matter. [19404/05]

Minister for Agriculture and Food (Mary Coughlan): I am not aware of an impending EU audit visit to County Galway. However, a European Commission audit of agri-environment measures took place in Galway and Dublin in May 2005. As is normal practice, my Department received advance notification from the Commission of its visit and of files its team wished to examine during their audit. My officials examined these files to ensure that the complete files requested were available for the auditors on their arrival. This is also normal practice and ensures the work of the auditors is facilitated.

At any stage during an audit, other files not specified in advance may be requested for audit scrutiny. My Department always facilitates such requests and works closely with European Union and other external audit bodies to ensure the control systems in place to protect national and EU financial interests are robust.

Farm Retirement Scheme.

537. **Mr. Neville** asked the Minister for Agriculture and Food if she will review an application for the retirement scheme from farming for a person (details supplied) in County Limerick. [19405/05]

Minister for Agriculture and Food (Mary Coughlan): The application by the person named for the early retirement scheme was incomplete at the time of application and remains incomplete. Evidence that his farming transferee and the transferee's father were farming as separate enterprises with separate herd numbers and handling facilities was never furnished. This deficiency in the application was communicated to the application on several occasions but has not been rectified.

Suckler Cow Quota.

538. **Mr. Neville** asked the Minister for Agriculture and Food if a person (details supplied) in County Limerick will receive additional suckler cow quota from the national reserve. [19406/05]

Minister for Agriculture and Food (Mary Coughlan): Following the mid-term review of Agenda 2000 all livestock premia and arable aid schemes, including the suckler cow premium scheme, were abolished with effect from 1 January 2005 and replaced by the single payment scheme. There is, therefore, no suckler cow quota national reserve in operation for 2005. Under EU regulations a single payment scheme national reserve was set up to provide for the allocation of entitlements to certain categories of farmers. My Department issued a national reserve application form to the person named on 7 June. If he considered himself eligible under one of the categories provided for in that reserve, he should have submitted the completed application form by 10 June.

Grant Payments.

539. **Mr. Connaughton** asked the Minister for Agriculture and Food the outcome of a *force majeure* application by a person (details supplied) in County Galway; and if she will make a statement on the matter. [19426/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application on 16 March 2005 for consideration of his circumstances under the second tranche of the *force majeure*-exceptional circumstances measure of the single payment scheme. Ill health was cited on the application form as giving rise to the circumstances outlined and the person named was requested to furnish medical evidence in support of this claim. However, the medical evidence provided does not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. The person named has been notified of this decision and has been advised that he can appeal the decision to the independent appeals committee which will carry out a full review of the circumstances outlined.

540. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not received a

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full suckler cow grant; and if she will make a statement on the matter. [19427/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for premium on 30 animals under the 2004 suckler cow premium scheme. Payment of her 60% advance instalment amounting to €4,034.70 issued on 11 November 2004. When processing for balancing payment it was found that the herdowner had sold ten animals inside the six months retention period and did not have suitable replacements as required under the terms and conditions of the scheme. Also, one animal declared as a cow on the application was found to be a male animal. As a result, these 11 animals were rejected from the application.

Where the rejected animals exceed 20% of the eligible animals found under the suckler cow, special beef and slaughter premia schemes, no grants are payable under these schemes. In the case of the person named 19 animals on her suckler cow application and five animals under the slaughter premium scheme were found eligible. The person named was informed that, as the 11 animals rejected out of 35 animals applied on exceeded 20% of the 24 eligible animals under both schemes, no payments were due to her and the advance instalments already paid would have to be recovered. She sought a review of this decision citing financial hardship but was informed on 2 June 2005 that the original position still stands. She has been advised that she may appeal this decision to the appeals office within three months.

Milk Quota.

541. **Mr. Penrose** asked the Minister for Agriculture and Food if her Department has received an appeal from a person (details supplied) in County Westmeath in relation to a dairy quota; and if she will make a statement on the matter. [19468/05]

Minister for Agriculture and Food (Mary Coughlan): Milk quota regulations provide that where a producer delivers less than 70% of his or her quota in a quota year, the undelivered portion of the milk quota may be added to the national reserve. However, in view of the range of circumstances that can temporarily affect production, the addition of part of a producer's quota to the reserve is only actively considered by my Department if deliveries are under 70% in two consecutive years. When part of a producer's quota is added to the reserve it may be restored to that producer or his or her successor if production increases sufficiently to warrant the return of the quota.

Producers who have not filled 70% of their quota in the previous two years are notified and invited to explain if the under-production was due to a *force majeure* or other exceptional circumstance. The regulations provide that in such

circumstances no quota will be added to the reserve. The person concerned has made a submission on the matter which is being examined and a decision in his case will be made shortly.

Grant Payments.

542. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not received the top rate extensification payment; and if she will make a statement on the matter. [19495/05]

Minister for Agriculture and Food (Mary Coughlan): The person named declared a forage area of 41.16 hectares on his 2004 area aid application form. His stocking density for 2004, based on this area and the number livestock units on his holding throughout the year as determined from his ewe premium application in the case of sheep and five census in the case of cattle, was 1.4431. Since this stocking density is not less than 1.4 LUs per hectare, the person named is only entitled to payment of extensification premium at the low rate.

Direct Payment Schemes.

543. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 196 of 1 June 2005, if her officials have held a meeting with the agriculture directorate general; the results of this meeting; the prospects of a positive result for Irish farmers; and if she will make a statement on the matter. [19500/05]

Minister for Agriculture and Food (Mary Coughlan): There has been ongoing contact between my Department and the Commission on this issue. A detailed written submission has also been made to the Commission on the issue. A meeting between my officials and officials of the agriculture directorate general of the European Commission is scheduled to take place later this week. At that meeting my officials will present strong arguments to support our claim that the level of overshoot of our national quota is attributable to the ending of the special beef premium scheme in 2004. I have raised the matter with the Commission and continue to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish farmers as a result of the ending of the special beef premium scheme in 2004.

544. **Mr. McGuinness** asked the Minister for Agriculture and Food the way in which her Department intends to deal with the cuts being experienced by some farmers in beef premiums; if she will examine the case of a person (details supplied) in County Kilkenny; the reason for the reduction; the way in which they will be compensated; and if she will make a statement on the matter. [19544/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, Ireland

implemented the single payment scheme in January 2005. The special beef premium scheme and the slaughter premium scheme were the only schemes where the deadline for receipt of applications was 31 December 2004. This meant that as many farmers as possible submitted their applications in late December 2004 in order that they could benefit from the special beef premium. Under the 2004 scheme, applications for in excess of 2.4 million animals were lodged, of which almost 1.4 million were quota animals, that is, first age-bull animals. The application figure in each of the three previous years was 1.9 million animals.

I am fully aware of the impact that the overshoot reduction will have on farmers who claimed on more than 25 animals. The decision to opt for full decoupling was arrived at following careful consideration of all options and a widespread public consultation process. A persuasive factor in this process was the suggestion that farmers in those member states which fully decoupled would not be disadvantaged during the transitional period. The level of overshoot of the regional ceiling is attributable to the ending of the special beef premium scheme in 2004 and application patterns, both in terms of total numbers of animals applied upon and the timing of lodging of applications, strongly suggest this to be the case.

I am seeking a solution to this issue and will continue to do so with the European Commissioner. I have already raised the issue with the Commissioner on a number of occasions during various meetings. My Department also forwarded a detailed submission to the European Commission dealing with this matter on 25 April 2005 and a meeting between my officials and the various services of the Commission's agriculture directorate general will take place later this week. The matter has also been discussed with the Commissioner's cabinet and the most senior officials of the European Commission.

I continue to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the special beef premium in 2004. Given the current position with regard to the processing of the 2004 scheme and the ongoing discussions with the Agriculture Commissioner on the overshoot, it is not possible at this stage to be definitive about the position of the named person.

EU Directives.

545. **Mr. Naughten** asked the Minister for Agriculture and Food when she intends to complete her review of the level of grant aid for slurry storage facilities in view of the fact that farmers have only 18 months to complete such storage facilities under the nitrates action plan; and if she will make a statement on the matter. [19566/05]

Minister for Agriculture and Food (Mary Coughlan): The Deputy will be aware of the consultations in progress with the European Com-

mission regarding the implementation in Ireland of the nitrates directive. He will also be aware of the substantial increases in grants under the farm waste management scheme introduced last year. By virtue of the Sustaining Progress agreement 2003, it was agreed that improvements would be made to the grants available under that scheme and this commitment was achieved by the introduction of a revised farm waste management scheme in January 2004. Consideration of any further amendments to the farm waste management scheme must await finalisation of the discussions with the European Commission.

Grant Payments.

546. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare did not receive the full amount of extensification payment; and if she will make a statement on the matter. [19614/05]

Minister for Agriculture and Food (Mary Coughlan): In 2004 Ireland exceeded its national ceiling for special beef premium animals eligible for the first tranche of premium. This necessitated a cutback in the numbers of animals eligible for premium in herds with more than 25 eligible animals. The exact extent of the cutback necessary is not yet known but interim payments for special beef premium and extensification premium have been made. The amount of extensification premium paid to the person named is the correct interim amount. When the definitive position is established any balancing payments that may arise under both special beef premium and extensification premium schemes will be made.

Organic Farming.

547. **Mr. Naughten** asked the Minister for Agriculture and Food if Ireland is on track to achieve a target of 3% of land area in organic farming by 2006; and if she will make a statement on the matter. [19632/05]

Minister for Agriculture and Food (Mary Coughlan): In its report, which was completed in April 2002, the organic development committee concluded that a target of 3% of land area in organic farming by 2006 was achievable. Despite substantial funding from my Department and the efforts of the various stakeholders, however, the size of the organic sector remains more or less static. As a result, it now appears unlikely that the target can be achieved by 2006. I understand that this is one of the matters that will be dealt with in a report from the chairman of the national steering group for the organic sector, which I expect to receive shortly.

548. **Mr. Naughten** asked the Minister for Agriculture and Food the progress made to date with regard to the development of a single national organic label for Irish organic produce; and if she will make a statement on the matter. [19634/05]

Minister for Agriculture and Food (Mary Coughlan): I understand the national steering group for the organic sector has decided to recommend that the development of a single national organic label should not be proceeded with in the foreseeable future. I will consider this recommendation in the context of a report from the chairman of the steering group, which I expect to receive shortly.

549. **Mr. Naughten** asked the Minister for Agriculture and Food the amount of the overall domestic meat, fruit and vegetable market which is sourced from organic produce; the breakdown of each sector; the percentage of the organic food market here in meat, fruit and vegetables which is sourced from Irish and imported produce; and if she will make a statement on the matter. [19635/05]

Minister for Agriculture and Food (Mary Coughlan): In 2003 the value of the Irish organic food market as a whole was estimated at €38 million. This represents less than 1% of the total food market. Imported produce represents approximately 70% of all organic produce sold in Ireland, although this includes foods which are out of season in this country or could not be produced here. Full details giving a breakdown of the organic food market by sector are not available at present. However my Department has asked Bord Bia to carry out a retail market channel study this year and the results of the study are expected to yield such information.

Organic Farming.

550. **Mr. Naughten** asked the Minister for Agriculture and Food the size of the Irish organic meat export market; the countries to which such produce is exported; the initiatives which have been taken to develop the organic meat export market; and if she will make a statement on the matter. [19636/05]

Minister for Agriculture and Food (Mary Coughlan): The report of the organic development committee, published in April 2002, recommended that initially the promotion of organic food should focus on Irish products which have already achieved a niche in the home market and that, as supply increases, there should be a growing emphasis on developing export markets. Supply of organic beef is now increasing and export opportunities are being availed of principally in the UK and also in the Netherlands, Germany and Italy.

Bord Bia is active in assisting organic beef exports by supplying market information and facilitating customer contacts in particular. Assistance was provided to an organic meat producer to attend the SIAL food exhibition in Paris in 2004.

The situation will be kept under review, especially in the light of the likely further increase in the uptake of the organic farming supplementary measure in REPS 3 and the corresponding

rise in the number of organic beef animals available to the market in the coming years.

Animal Diseases.

551. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 608 of 12 April 2005, if she will implement the recommendations contained in the report; and if she will make a statement on the matter. [19696/05]

Minister for Agriculture and Food (Mary Coughlan): A group under the chairmanship of Dr. Crosby carried out a technical examination of costs arising following restocking with a particular category of sheep in the case of flock-owners where the depopulation occurred during the initial scrapie depopulation regime. In total, 100 flocks were depopulated under this phase and restocking was not permitted for a period of two years. Flock-owners received compensation for the capital value of the sheep and for income loss for that period. In addition, those who restocked in the third year also received compensation for income loss for that year.

The terms of the agreement and amounts of compensation and income loss involved were clearly understood and accepted by all concerned at the time of depopulation. While this agreement did not contain any commitment to pay further compensation in respect of later years, a technical group was established to examine the estimated potential additional costs arising in subsequent years if flock-owners restocked with a particular category of sheep. That group completed the technical work involved and its report, as well as other aspects of this restocking, is still under consideration.

Organic Farming.

552. **Mr. Naughten** asked the Minister for Agriculture and Food if she will report on the work undertaken by the organic market development group to promote the concepts of farmers markets; and if she will make a statement on the matter. [19700/05]

Minister for Agriculture and Food (Mary Coughlan): The organic market development group 'OMDG' recognises the important role of farmers' markets in Ireland both as a route to market and also as a starting point for new organic entrants. While organic producers are well represented at local food markets in Ireland the markets are not the exclusive preserve of organic producers. The OMDG, which is chaired by Bord Bia, believes that the small business department of Bord Bia, which has been very proactive in developing farmers' markets for a number of years, should continue to develop this area while also exploring alternative routes to markets including box schemes and online sales.

My Department has asked Bord Bia to carry out a retail market channel study this year. The results of this study, which will include farmers'

markets and other direct selling routes, will then be considered by the OMDG.

Grant Payments.

553. **Mr. Naughten** asked the Minister for Agriculture and Food if a decision has been made on a *force majeure* application by a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [19701/05]

Minister for Agriculture and Food (Mary Coughlan): The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee.

Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 24 February 2005. The findings of the appeals committee were that the original decision taken by my Department should be upheld.

The *force majeure* application on behalf of the person named relates to under-declaration of land on his area aid applications during the reference period. Both the single payment unit and the single payment appeals committee are satisfied that the circumstances put forward do not fulfil the *force majeure* criteria under the single payment regulations.

554. **Mr. Kehoe** asked the Minister for Agriculture and Food if assistance will be offered to a person (details supplied) in County Wexford. [19814/05]

Minister for Agriculture and Food (Mary Coughlan): The person concerned is an applicant under the installation aid scheme. By virtue of the terms of the scheme, applicants are required to submit their preliminary application — IAS 1 — within six months of the date of establishment. In this case, the period for lodgment of the IAS 1 form expired in August 2002 but the application was not received by my Department from the person concerned until 21 March 2005. The scheme provides that a penalty of 5% per month is applicable for each month by which this application form is received late. As the penalty involved exceeds 100%, I regret that no payment is due in this case.

555. **Mr. Penrose** asked the Minister for Agriculture and Food if an application for the consideration of *force majeure*-exceptional circumstances in respect of entitlements of a person (details supplied) in County Westmeath under the single payment scheme has been received by her Department; if an additional application for review has also been received, setting out the very exceptional circumstances related to the health of the person; if so, if it will be considered;

and if she will make a statement on the matter. [19815/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the independent single payment appeals committee and the person named will be notified shortly of the outcome. To date, there is no record of the person named having submitted a review of provisional entitlements.

556. **Mr. Penrose** asked the Minister for Agriculture and Food if she has received an application for consideration of *force majeure*-exceptional circumstances from a person (details supplied) in County Longford in respect of entitlements under the single payments scheme; if this person will be allowed an oral hearing in respect of the application; and if she will make a statement on the matter. [19816/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure* -exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submitted an appeal to the independent single payment appeals committee. The single payment appeals do not fall under the remit of the agriculture appeals office and consequently there is no provision in such cases for an oral hearing of an appeal. A full review of the circumstances of the case will be carried out by the independent single payment appeals committee and the person named will be notified shortly of the outcome.

Farm Retirement Scheme.

557. **Mr. Durkan** asked the Minister for Agriculture and Food if and when a person (details supplied) in County Kildare will qualify under the farm retirement scheme; and if she will make a statement on the matter. [19825/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the scheme of early retirement from farming on 24 December 2004. The application was incomplete and further information was requested, most recently on 26 April 2005. The agricultural adviser engaged by the person named to prepare his application subsequently sought an extension of the period for submitting the additional information and this was granted. As soon as the information requested has been received, a decision on eligibility can be made.

Rural Environmental Protection Scheme.

558. **Mr. Ring** asked the Minister for Agriculture and Food further to Parliamentary Question No. 369 of 19 April 2005 (details supplied), if her officials have examined the situation for farmers with commonage in Achill and their application for the REP scheme. [19848/05]

Minister for Agriculture and Food (Mary Coughlan): Leased commonage is currently ineligible for payment in REPS because such leases have been associated with the over-grazing of upland commonages in the West. I am sympathetic, however, to the position of farmers who have traditionally farmed commonage in a sustainable way on long-term lease. I have asked my officials to devise proposals that will address their situation while safeguarding the integrity of REPS and I expect to be in a position to make an announcement shortly.

EU Directives.

559. **Mr. Perry** asked the Minister for Agriculture and Food if she will not sign the EU directive on veterinary medicine (details supplied); and if she will make a statement on the matter. [19854/05]

Minister for Agriculture and Food (Mary Coughlan): The directive referred to by the Deputy is Directive 2004/28, which resulted from a review of the EU veterinary medicine regime. This directive entered into force with its publication on 30 April 2004 and member states are obliged to transpose it into national law by 30 October 2005.

My Department is currently engaged in drafting legislation to transpose this directive, which includes a general provision that all veterinary medicines for food producing animals should be brought under veterinary prescription control. Arising from difficulties expressed during the negotiations of the EU measure by Ireland and a small number of other member states, an exemption clause was included in the directive to provide a mechanism for specific categories of medicines to be excluded from the mandatory prescription requirement. Decisions at EU level on exemptions are required to be taken by 1 January 2007, pending which existing national distribution arrangements may remain in place.

I am aware of the concerns which have been expressed about the potential cost implications for farmers of restricting all medicines to veterinary prescription control. However, as I have indicated, final decisions have yet to be taken on this issue and I will endeavour to avail of the exemption mechanism to keep certain medicines, including wormers and certain vaccines, available off prescription. It should be noted that in the interim, farmers will continue to be able to get these products without having to obtain a prescription and, given this situation, the need to extend the range of prescribers to include, for example, pharmacists does not arise at present.

Grant Payments.

560. **Mr. Connaughton** asked the Minister for Agriculture and Food the number of farmers nationwide who will be penalised as a result of the 2004 EU special beef premium penalty; the number of farmers in County Galway who are similarly affected; the position concerning the first 25 animals that farmers apply for; if her attention has been drawn to the fact that some farmers are being penalised by as much as €20,000; and if she will make a statement on the matter. [19855/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, Ireland implemented the single payment scheme in January 2005. The special beef premium scheme and the slaughter premium scheme were the only schemes for which the deadline for receipt of applications was 31 December 2004. This meant that as many farmers as possible submitted their applications in late December 2004 to benefit from the special beef premium.

Under the 2004 scheme, applications for in excess of 2.4 million animals were lodged of which almost 1.4 million were quota animals, that is first age-bull animals. The application figure in each of the three previous years was 1.9 million animals.

The special beef premium application overshoot will not result in any reduction below 25 in the number of animals to be fully paid under the scheme. I am fully aware of the impact that the overshoot reduction will have on farmers who claimed on more than 25 animals.

The decision to opt for full decoupling was arrived at following careful consideration of all options and following a widespread public consultation process. A very persuasive factor in this process was the suggestion that farmers in those member states who fully decoupled would not be disadvantaged during the transitional period. The level of overshoot of the regional ceiling is attributable to the ending of the special beef premium scheme in 2004 and application patterns, both in terms of total numbers of animals applied upon and the timing of lodging of applications, strongly suggest this to be the case.

I am seeking a solution to this issue and will continue to do so with the European Commissioner. I have already raised the issue with the Commissioner on a number of occasions during various meetings. My Department also forwarded a detailed submission to the European Commission dealing with this matter on 25 April 2005 and a meeting between my officials and the various services of the Commission's Director General of Agriculture will take place later this week. The matter has also been discussed with the Commissioner's cabinet and with the most senior officials of the European Commission.

I am continuing to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the

special beef premium in 2004. Given the current position with regard to the processing of the 2004 scheme and the ongoing discussions with the Agriculture Commissioner on the overshoot, it is not possible at this stage to be definitive about some of the issues raised.

Question No. 561 withdrawn.

562. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway is being penalised heavily under the special beef premium scheme for 12 animals; and if she will make a statement on the matter. [19857/05]

Minister for Agriculture and Food (Mary Coughlan): The person submitted two applications under the 2004 special beef premium scheme in respect of 12 animals. The first application, in respect of eight animals, was received on 25 November 2004, while the second application, in respect of four animals, was received on 17 December 2004.

Following computer validation, it was found that six of the animals on the first application and the four animals on the second application were not recorded as being in the herd of the person named on the date the applications were received by the Department. This is a basic requirement of the scheme and if not complied with can result in regulatory penalties.

By letter dated 1 June 2005, the person named was requested by my Department to provide an explanation as to why the animals were found to be non-CMMS compliant. A reply is awaited, following which the case will be reviewed further in the light of the explanation offered by the person named.

National Forestry Strategy.

563. **Ms B. Moynihan-Cronin** asked the Minister for Agriculture and Food the steps she intends to take at EU level and domestically to secure funding for the full implementation of the national forestry strategy (details supplied); and if she will make a statement on the matter. [19865/05]

Minister for Agriculture and Food: (Mary Coughlan): Implementation of the forestry strategy is related to the package of supports that provides an incentive for landowners to plant, particularly farmers. I have been pressing strongly that under the proposed new rural development regulation, which is the subject of ongoing negotiations at the Council of Ministers, an adequate package of supports for 2007-13 is agreed.

Throughout the negotiations so far, the Irish position on the draft regulation, including the specific aspects related to forestry, has been clear. On these forestry aspects I have argued strongly that the original proposals would have serious implications for the sector, particularly those

relating to reduced establishment grants, premiums and associated premium payment periods.

For 2005, I have made sufficient funds available to support increased planting, with a total annual allocation of €124 million, the largest funding package ever allocated to forestry. In addition, the current availability of grant aid at 100% for planting and the annual premiums, and particularly the concession obtained on the consolidation of entitlements *vis-à-vis* the single payment scheme, make forestry a very attractive land-use option for farmers.

Grant Payments.

564. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding payment of the beef premium and the extensification grant for a person (details supplied) in County Limerick in 2003. [19867/05]

Minister for Agriculture and Food (Mary Coughlan): The 2003 area aid application for the person named has been fully processed with an area determined for payment purposes of 42.75 hectares. This application was originally processed in 2003 with a total forage area of 42.81 hectares but a query arose as to the land use of one of the land parcels included on the area aid application. This parcel of land was assigned as forestry but was being claimed as forage by the person named. This matter has now been resolved resulting in a small reduction in area for the person named.

The person named submitted one application under the 2003 special beef premium scheme in respect of 17 animals. Following computer validation these animals were confirmed eligible for payment. However, due to the area aid not being finalised, payment could not issue. Following the resolution of the area aid issue the application of the person named can now be processed for payment, which will issue shortly. Following the payment of outstanding 2003 special beef premium and balance of suckler cow premium to the person named, his application for extensification premium will be processed.

565. **Mr. P. Breen** asked the Minister for Agriculture and Food when payment for a suckler cow premium for 2004 will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [19984/05]

Minister for Agriculture and Food (Mary Coughlan): The file of the person named was randomly selected for field inspection under computer-based risk analysis. Due to the integrated nature of the bovine schemes, payments due could not be made pending the inputting of these inspection results. These results have recently been recorded and, accordingly, any payments due will now be cleared.

566. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Galway has not received the

[Mr. Connaughton.]
 extensification payment; and if she will make a statement on the matter. [20029/05]

Minister for Agriculture and Food (Mary Coughlan): The person named declared a forage area of 19.36 hectares on her 2004 area aid application form. Her stocking density for 2004, based on this area and the number of livestock units on her holding throughout the year as determined from her ewe premium application in the case of sheep and five census dates in the case of cattle, was 2.0599 livestock units per hectare. Since this stocking density was greater than 1.80 livestock units per hectare the person named is not entitled to payment of extensification premium.

Work Permits.

567. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the difficulties that some employers are having in respect of retention of employees through the work permit system here in view of the fact that they are unable to obtain authorisation for spouses to travel here during the time of their work; and if he will make a statement on the matter. [19066/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The present position in on the admission of family members to Ireland to join non-EEA nationals already here is that in all cases the person must be in a position to support his-her family without recourse to public funds. A non-EEA national who is not visa required and is working in the State on an employment permit or under the work authorisation scheme may apply for family reunification — spouse, minor child — immediately. A non-EEA national who is working in the State under the working visa scheme may be joined by his-her family — spouse, minor children — in the State after three months. A non-EEA national who is visa required and is working in the State on an employment permit may apply for family reunification — spouse, minor child — on condition that he-she has been working here for at least 12 months and is likely to remain so for a similar period, that is, the work permit has been renewed. The spouse of a non-EEA national who is working in the State on foot of employment permit may take up employment in the State. However, a proposed employer must first obtain an employment permit to employ them.

In March 2004 the Tánaiste and Minister for Enterprise, Trade and Employment introduced new arrangements which gave greater ease of access to employment to spouses of those employed under the working visa-working authorisation schemes, the intra-company transfer scheme and spouses of those who had a work permit as a researcher or an academic. While the new arrangements did not remove the requirement for a work permit for the spouses of non-EEA nationals working in the State under the

schemes outlined above, they gave greater ease of access to employment for such spouses by not requiring the employer in question to advertise the job with FÁS in advance of making a work permit application accepting applications for jobs in categories that would generally be considered ineligible for work permits, and exempting the application from the work permit fee.

I published a discussion document on immigration and residence in Ireland in April of this year. A copy of the document was circulated to all Members of the House. Chapter 9 of that document deals with the issue of family reunification and sets out my key proposals. Anyone who wishes to make a contribution on this or any other aspect of immigration policy is welcome to do so before the end of July 2005. All views communicated to my Department will be taken into consideration in the development of new immigration and residence legislation.

Garda Stations.

568. **Dr. Twomey** asked the Minister for Justice, Equality and Law Reform if a Garda barracks (details supplied) in County Wexford is not for sale and not under negotiations at present; and if he will make a statement on the matter. [19587/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda station referred to by the Deputy is not for sale and there are no plans at present to sell it.

Residency Permits.

569. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the status of the permanent residency application in respect of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [19863/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no record in the immigration division of my Department of an application for permanent residency having been received from this person.

Crime Levels.

570. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform the headline offences recorded and detailed for each of the districts of Castlecomer, Kilkenny and Thomastown in the years 1997, 2000 and 2004; and if he will make a statement on the matter. [18963/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Departmental Correspondence.

571. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will respond to the enclosed correspondence (details

supplied); and if he will make a statement on the matter. [18964/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The author of the correspondence is serving a 40-year prison sentence for the capital murder of Garda Sergeant Patrick Morrissey. He had originally been sentenced to death for this horrific and callous crime and the sentence was commuted to one of 40 years by President Patrick Hillary on 29 May 1986. I am satisfied that this person is detained in accordance with law and I am not prepared to interfere with the sentence handed down. The Deputy should also be aware that it is not my function, nor would it be appropriate, for me to afford legal advice to prisoners.

Garda Vetting Procedures.

572. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the proposals he has to establish a comprehensive vetting procedure for volunteers; if the appropriate resources will be made available to the Garda in order that vetting will be carried out without delay (details supplied); and if he will make a statement on the matter. [18965/05]

620. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the funding allocated to the Garda central vetting unit in 2005. [19328/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 572 and 620 together.

The Garda central vetting unit, GCVU, carries out criminal record vetting in respect of, *inter alia*, prospective full-time employees having access to children and vulnerable adults of the Health Service Executive and in certain agencies funded by the executive. The unit deals with approximately 100,000 vetting applications per annum.

The GCVU forms part of the Garda national support services branch and is located in Garda Headquarters. The GCVU is accounted for financially as part of one of a number of cost centres controlled by that branch so a separate and distinct budget does not exist for the unit. However, the financial resources allocated to the GCVU in 2005 are adequate to meet its current operating remit.

A phased extension of the GCVU's vetting arrangements to other groups and sectors involving substantial, unsupervised access to children and vulnerable adults will take place. To facilitate this, a working group was established to examine the issue of extending vetting arrangements. The working group submitted its final report in March 2004, and this report has since been published in electronic form on my Department's website.

On the basis of this report, my colleague, the Minister of State at the Department of Health and Children, with special responsibility for children, Deputy Brian Lenihan, announced the provision of additional staff resources for the GCVU

to enable the Garda Síochána's vetting services to be extended. In particular, staff numbers allocated to the GCVU will more than double, from 13 to 30.

The Minister of State's announcement implements one of the key recommendations of the working group. The other practical recommendations are being brought forward by an implementation group chaired by the Garda Síochána and comprising representatives of my Department, the Departments of Health and Children, Education and Science, and Finance, the Office of the Attorney General and Mr. Paul Gilligan, CEO of the ISPCC.

I am pleased to state that the extension of the services of the GCVU will commence later this year as soon as the necessary practical arrangements are in place, including those related to the decentralisation of the GCVU to Thurles, County Tipperary, as part of the Government's decentralisation programme. Public announcements in relation to the extension of services will occur in due course.

Asylum Applications.

573. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if a work permit will be granted to a person (details supplied) who is awaiting a decision on their status. [18989/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 23 July 2001 and claimed asylum. His application for asylum was refused and a deportation order issued in respect of him. Judicial review proceedings have been instituted challenging the deportation order. Accordingly, as the matter is *sub judice*, I do not propose to comment further in this case.

Citizenship Applications.

574. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when a decision will be reached on the application made in May 2004 for citizenship by a person (details supplied) in County Clare. [18990/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 23 September 2004. On examining the case file in connection with the Deputy's question, it was noticed that the person concerned did not meet the statutory residency requirement at the time of application. Officials of the citizenship section of my Department will communicate directly with the applicant and the Deputy in this regard.

Compensation Tribunal.

575. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Mayo will receive their

[Mr. Ring.]

award under the criminal injuries compensation tribunal; the funds which were made available from the Department of Justice, Equality and Law Reform in 2005 for this tribunal; the number of applications made to the tribunal; and when the necessary funding to compensate the persons who have been awarded money under this tribunal will be provided. [19026/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The criminal injuries compensation tribunal is funded as a cash-limited grant scheme by my Department. The allocation for 2005 is €3.384 million. A total of 96 applications have been received by the tribunal to end May this year.

Unfortunately, the allocation provided for 2005 is now exhausted and the tribunal is not in a position to issue payments. Under the terms of the public financial procedures, entitlement to payment under a cash limited scheme is always contingent on the availability of funds.

This funding situation has come about as a result of the timing of one particularly large award in 2005 rather than a fundamental under-provision for the scheme. As a result of these exceptional circumstances, my Department is actively examining the possibility of making an additional provision in the short term to meet claims on hand. This solution will require the approval of the Department of Finance and is dependant on realising savings elsewhere in the Vote but I hope to be able to put in place the necessary arrangements in the near future.

The applicant referred to by the Deputy has been approved for an award and although his case cannot immediately proceed to payment for the above reasons, I expect that his would be one of the cases which would be covered by the proposed additional provision.

Registration of Title.

576. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the status of the application to the Land Registry for a person (details supplied) in County Wexford; when the application will be processed; and if he will make a statement on the matter. [19028/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is a transfer order application which was lodged on 9 February 1998, dealing number D2003TJ002357D. This application was completed on 1 June 2005.

Internet Regulation.

577. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if action will be taken against a website (details supplied) which facilitates the shooting of live animals via the Internet; and if he will make a statement on the matter. [19029/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Internet is an international phenomenon. It has no borders and no single organisation controls it. Access is easy, and regulation is difficult in view of the many jurisdictions, differences between legal systems, and variations in societal norms in different countries.

A distinction must also be made between what is illegal and what would be regarded as harmful and undesirable but not necessarily illegal. As a general rule of thumb, in Ireland, as in most jurisdictions, what is deemed to be legal off-line is legal on-line; conversely, what is illegal off-line is also illegal on-line. Difficulties arise when what is illegal in one country is not illegal in another.

With Internet operations, the Internet service provider may not be within the jurisdiction and may be providing a service which may be legal where the service is being hosted, but illegal where the service is being accessed. This is not an unusual phenomenon in Internet services and there are enormous logistical as well as legal difficulties involved in attempting to deal with such situations or in enforcing the law at user level. Attempts to fix liability at Internet service provider level are also fraught with difficulties.

Hunting of wild animals in Ireland, while controlled in some respects, is not illegal. The shooting of vermin, such as foxes, is generally permitted and even exempted wild animals, such as deer, and protected wild birds, is permitted at certain periods during the year where licensed under the Wildlife Act 1976. In the case of the activity referred to by the Deputy, regulation of hunting is a matter for the US authorities in the first instance, and although many people would regard such a website as reprehensible, there is no evidence that the activity is illegal in the United States.

Liquor Licensing Laws.

578. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if he has satisfied himself that in regard to the curbing of binge drinking that greater control of the off-licence sector is both vital and urgent; and if he will make a statement on the matter. [19033/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A consultation process for my proposals for a Bill to streamline and modernise our liquor licensing laws has recently concluded. I will take account of the views of organisations and individuals who responded to my request for submissions in the context of the drafting of the Bill to repeal the Liquor Licensing Acts 1833 to 2004 and replace them with updated provisions more suited to modern conditions.

In bringing forward proposals to reform the licensing laws, I am conscious of public concerns on alcohol related harm in our society. For this reason, my proposals contain both safeguards and increased penalties that are intended to combat such harm. These include extending the jurisdiction of the courts to all retail licences and giv-

ing specified notice parties and the public the right to object to the grant of a licence; streamlining the system for renewing licences and clarifying the right of members of the public to object to renewal on stated grounds; strengthening provisions designed to combat sales to under age persons by, for example, requiring all off-licences to have written policies and control procedures; creating a new offence of being in possession of a forged Garda age card; and increasing the levels of penalties and sanctions, including a proposal that all temporary closure orders should involve closure for a minimum of two days.

The new licensing arrangements will also allow the Garda to object to applications for new retail licences on the grounds of an undue risk of public nuisance or a threat to public order or safety. My proposals also contain provisions for dealing with drunkenness and disorderly conduct on licensed premises, as well as combating the sale and supply of alcohol to, and consumption of alcohol by, under age persons. The implementation of these licensing provisions will continue to be complemented and supported by public order legislation. The Garda already has extensive powers under the Public Order Acts of 1994 and 2003 to deal with incidents of intoxication or disorderly conduct in public places. In particular, the 2003 Act makes provision for the courts to make both exclusion and closure orders arising from such incidents.

Deportation Orders.

579. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will reconsider the plight of a person (details supplied) in Dublin 8; and if he will allow this person to remain here. [19044/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was refused refugee status in the State following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. The person concerned was informed of these recommendations by letters dated 15 July 2002 and 28 February 2003.

A notification under section 3(3)(a) of the Immigration Act 1999 was issued to the person concerned on 16 April 2003 advising him of my decision to refuse to give him a declaration of refugee status and setting out the options open to him at that point, that is, to leave the State voluntarily, to consent to the making of a deportation order or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why he should not be deported.

Representations for temporary leave to remain in the State were made on behalf of the person concerned by his legal representatives. The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), having due regard

for the representations received, following which, on 6 May 2005, a deportation order was made in respect of the person concerned. The person concerned was notified of this decision by letter dated 12 May 2005. That letter made the person concerned aware that he was required to present himself on 19 May 2005 at the offices of the Garda national immigration bureau in order that arrangements could be made for his removal from the State. The person concerned failed to present himself on this occasion and, as such, is now classified as an evader who is subject to arrest and detention.

This person's case was considered comprehensively and fairly. I see no reason to alter my decision to issue a deportation order in respect of the person concerned. The enforcement of that order is now an operational matter for the Garda national immigration bureau.

580. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will reconsider the plight of a person (details supplied) in Dublin 8; and if he will allow this person to remain here. [19045/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned, a mother and son, were refused refugee status in the State following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. The persons concerned were informed of these recommendations by letters dated 25 July 2002 and 11 December 2002 respectively.

A notification under Section 3(3)(a) of the Immigration Act 1999 issued to the persons concerned on 31 January 2003 advising them of my decision to refuse to give them a declaration of refugee status and setting out the options open to them at that point, that is, to leave the State voluntarily, to consent to the making of deportation orders or to make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out reasons as to why they should not be deported.

Representations for temporary leave to remain in the State were made on behalf of the persons concerned by their legal representatives. Their case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), having due regard for the representations received, following which, on 5 May 2005, deportation orders were made in respect of the persons concerned. The persons concerned were notified of this decision by letter dated 19 May 2005. That letter made the persons concerned aware that they were required to present themselves on 7 June 2005 at the offices of the Garda national immigration bureau and they presented themselves as required. The persons concerned are due to present themselves again at the offices of the Garda national immigration bureau on 21 June

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2005 by which time it is expected that travel arrangements in the context of their removal from the State will have been put in place.

The asylum claim and the request for leave to remain in the State made by the persons concerned have been considered comprehensively and fairly. As a result, I see no reason to alter my decision to issue deportation orders in respect of the persons concerned. The enforcement of these deportation orders is now an operational matter for the Garda national immigration bureau.

581. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will reconsider the plight of a person (details supplied) in Dublin 1; and if he will allow this person to remain here. [19046/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, a Nigerian national, arrived in the State on 3 February 2005 and claimed asylum. His application was refused by the Office of the Refugee Applications Commissioner on 28 February 2005. His subsequent appeal was refused by the Office of the Refugee Appeals Tribunal and he was notified of this recommendation by letter on 24 March 2005.

He was notified of the decision to refuse him refugee status by letter on 30 March 2005 in which he was informed of the three options open to him at that point, that is, to leave the State before his case was considered for deportation; consent to the making of a deportation order in respect of him; make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out the reasons why he should not be deported.

His case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), including consideration of representations received on his behalf from his solicitors for temporary leave to remain in the State. On 5 May 2005, a deportation order was made in respect of him. Notice of the order was served by registered post on 12 May 2005 requiring him to present himself to the Garda national immigration bureau on Thursday, 19 May 2005 to make arrangements for his deportation. This person did not attend as required and is now evading deportation.

Further documentation was received from the applicant's legal representatives on 17 May 2005 with the new information that the person concerned was possibly suffering from a liver condition that may require medical treatment, a condition that presumably predated his arrival in Ireland. An undertaking was sought that the person concerned would not be deported to Nigeria until his medical treatment was completed.

This case was dealt with as part of the accelerated process which came into operation on 25 January 2005. This provided for the speedier processing of asylum applications in respect of

nationals of five States, including Nigerians, which are the subject of prioritisation orders made by me under section 12 of the Refugee Act 1996, as inserted by the Immigration Act 2003. The new arrangements also provide for the speedier processing of deportation orders for those applicants who are found not to be in need of refugee protection and have no other protection or humanitarian needs.

There is no obligation to delay the deportation of this person pending the completion of treatment over an indeterminate period for what would appear to be a chronic medical condition. This person was allowed enter the State to have his protection claim assessed and this was done fairly and promptly. It would be unfair and unreasonable to hold that the State has a greater obligation to provide medical treatment to this person than it would to someone who, for example, fails to gain entry to the State by way of a visa to receive the same medical treatment.

582. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will reconsider the plight of a person (details supplied) in Dublin 3; and if he will allow this person to remain here; and if he will make a statement on the matter. [19047/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 11 May 2001 and claimed asylum. Her application for asylum was refused and a deportation order issued in respect of her. Judicial review proceedings have been instituted challenging the deportation order. Accordingly, as the matter is *sub judice*, I do not propose to comment further on this case.

Liquor Licensing Laws.

583. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform if outside of Dublin there is one public house licence per 300 people, approximately 29% of whom are under 18 years and therefore legally cannot be served alcoholic drink bringing the figure for those legally allowed to drink down to 213 per licence; if all licensed restaurants and hotels can serve beer with their meals; if the equivalent figure in the UK is closer to one pub per 1,000 head of population; and if he will make a statement on the matter. [19050/05]

631. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if he plans to introduce a minimum or maximum number of pub licences to take into account the huge variation in population in the country; and if he will make a statement on the matter. [19472/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 583 and 631 together.

Statistics relating to the number of liquor licences, their geographical distribution throughout the country and the details of renewals of such licences are a matter for the Revenue Com-

missioners. I have no plans to preserve the number of such licences on a geographical or demographic basis. Statistics regarding the number of licensed premises in other jurisdictions are a matter for the relevant authorities in those jurisdictions. It is not the function of the Minister for Justice, Equality and Law Reform to interpret the statute law by way of reply to parliamentary questions.

Crime Levels.

584. **Mr. Coveney** asked the Minister for Justice, Equality and Law Reform the headline offences recorded and detailed for each Garda district (details supplied) within the Cork South-Central constituency for 2000 to 2004. [19052/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Human Rights Issues.

585. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the topics discussed in his recent meeting with US Attorney General; and the concerns he may have raised on US adherence with international prohibitions against torture. [19053/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): During my recent visit to Washington I paid a courtesy call to the US Justice Department, headed up by the US Attorney General, Mr. Alberto Gonzalez. Due to the pressure of his other commitments that afternoon I only had a brief conversation with him and the issue raised by the Deputy did not arise.

Probation and Welfare Service.

586. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the recommendations of the expert group on the probation and welfare service that have been implemented since the publication of the Comptroller and Auditor General's report of January 2004; the recommendations that remain unimplemented, and the reasons therefor, including an indication as to whether the Minister accepts or rejects the recommendations in question. [19054/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My predecessor, the Minister for Arts Sport and Tourism, Deputy O'Donoghue, following a Government decision, set up an expert group to examine the probation and welfare service under the chairmanship of Mr. Brian McCarthy. This group produced its first report in November 1998. The final report of the group was published in May 1999 and made several recommendations.

Many of the recommendations of the expert group report have been implemented by my Department. Staffing levels have been raised.

There has been substantial investment in a customised information technology system and an IT unit has been established. The new technology, when fully operational, will have the capacity to produce information about the utilisation and effectiveness of community sanctions, giving us information about crime in Ireland not previously available. A common State-funded public liability insurance scheme has been put in place to enable a greater number of community groups to have community service projects operated on their premises without the need to incur substantial insurance costs. These are some of the measures which have been implemented.

The major outstanding recommendation relates to the future organisation and structures of the service. I have set up a small working group involving departmental and probation and welfare officials to build on existing work including the expert group report and the value for money audit of the service. It will also identify the type of services that may be required in the future; their relative priority; the resource implications and different methods of providing the services; the research-evaluation available or required to determine the effectiveness of options. The group is expected to report before the end of this year.

Garda Deployment.

587. **Mr. Kirk** asked the Minister for Justice, Equality and Law Reform if he will examine the adequacy of Garda cover in the Ardee-west Louth area having regard to the level of crime there; if he will review the position; and if he will make a statement on the matter. [19055/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, responsible for the detailed allocation of resources, including personnel, that the personnel strength of Ardee Garda station as at 9 June 2005 was nine, all ranks, and that the station is open to the public from 9 a.m. to 1 p.m. daily, and in the afternoons when resources permit.

I am further informed that mobile patrols operate from Monday to Thursday from 9 a.m. to 1 a.m. and at weekends from 9 a.m. to 4 a.m. These patrols are primarily focused on monitoring and curbing anti-social behaviour in the vicinity of local nightclubs and licensed premises. Resources are augmented from within the division as required. The area is also patrolled by the divisional traffic corps units from Drogheda and Kells and by crime unit personnel from Navan.

I am also advised that Garda personnel assignments to Ardee, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible service is provided to the general public. The situation will be kept under review by the Garda authorities, and when additional personnel next becomes available the needs of Ardee will be considered within

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the overall context of the needs of Garda stations throughout the State.

I am pleased the Government approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis in line with the commitment in An Agreed Programme for Government. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

Registration of Title.

588. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform if a decision will be made in respect of a land registry matter regarding a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [19068/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49, acquisition of title by virtue of long possession of the Registration of Title Act 1964, which was lodged on 12 July 2002, dealing number D2002JS006189U. Due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage. I am further informed that queries issued to the lodging solicitors on 1 June 2005 and that the application cannot proceed until these queries have been satisfactorily resolved. However, on receipt of a satisfactory reply to the queries raised the matter will receive further attention in the Land Registry and will be completed as soon as possible.

Computerisation Programme.

589. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the position regarding the full operation of the PULSE system nationwide; the way in which this connects with other State computerised systems which track violations of road traffic legislation and motorist statistics; and if he will make a statement on the matter. [19071/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda Authorities that the PULSE system is now available in 207 Garda locations. This represents an expansion of the system to a further 26 locations from the previously quoted figure of 181. Further extensions of the system to non-networked locations is being examined as part of the Garda Síochána information and communications strategy 2005-2009.

To streamline the input of data to PULSE, it is planned to set up a quality assurance and data input centre to assist in the entry and management of data in PULSE. The aim is to put in place a centralised processing centre to be operated pri-

marily by civilian staff. As a first step, it is planned to run a pilot project over the coming months. The set-up of this centre and the extension plans for PULSE will have a major impact on the operation and accessibility of PULSE for members of the force.

The fixed charge processing system is the Garda IT system for processing fixed charge road traffic offences including the requirements for the penalty points systems. As part of the system, the Garda Síochána exchanges information electronically with the Courts Service for summons applications and court hearing dates; the Department of the Environment, Heritage and Local Government for the national driver file and the national vehicle file; a third party service provider for the printing and posting of fixed charge notices; a third party service provider engaged by the Department of Transport, for details of fixed charges that have been paid, who in turn forward this information to the Department of the Environment, Heritage and Local Government for updating the national driver file with the penalty points data.

Towards the end of this year it is planned to coordinate the summons generated from the fixed charge processing system with summons for the same individual generated from PULSE and this will be of further benefit to the Courts Service.

Asylum Applications.

590. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform further to correspondence (details supplied), if he will furnish a response; and if he will make a statement on the matter. [19086/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 2 January 2003 and claimed asylum. Her application for asylum was refused and a deportation order issued in respect of her. Judicial review proceedings have been instituted challenging the deportation order. Accordingly, as the matter is *sub judice*, I do not propose to comment further on this case.

Crime Levels.

591. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded and detailed for Carlow and Kilkenny counties in the years 1997, 2000 and 2004; and if he will make a statement on the matter. [19092/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Ministerial Responsibilities.

592. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the role and

responsibilities of the ministerial decisions unit in the immigration, asylum and citizenship division of his Department; if any ministerial functions, powers or duties have been delegated, either expressly or implicitly, to civil servants in that unit; if there is any difference in the relationship between the Minister and civil servants in that unit and elsewhere in the Department; and if so, the nature of the difference; and if he will make a statement on the matter. [19108/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The ministerial decisions unit of my Department has been in place since 20 November 2000, the date on which the independent refugee determination bodies, namely, the Office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal, were established on a statutory footing, pursuant to the relevant provisions of the Refugee Act 1996, as amended. The need for the unit arises from the framework provided in the 1996 Act for the processing of applications for refugee status in the State.

A person seeking the status of refugee may apply to the Minister for Justice, Equality and Law Reform under section 8 of the 1996 Act for a declaration to this effect. As provided for in the 1996 Act, the investigation of individual applications is carried out, at first instance, by the Refugee Applications Commissioner under the terms of section 11 of the 1996 Act who, under section 13, makes a recommendation to the Minister as to whether an applicant should or should not be declared to be a refugee. An appeal by the applicant against a recommendation by the commissioner is made under section 16 of the Act to the Refugee Appeals Tribunal which may affirm or set aside the recommendation.

Section 17 (1) of the 1996 Act provides, *inter alia*, that where the commissioner, or as the case may be, the tribunal, makes a recommendation, the Minister shall, in case the report of the commissioner or, as the case may be, the decision of the tribunal includes a recommendation that the applicant concerned should be declared to be a refugee, give to the applicant a declaration that the applicant is a refugee, and may, in any other case, refuse to give the applicant a declaration.

Provision also exists to deal with national security and public policy considerations. This statutory framework gives rise to the need for an administrative unit within my Department to process such decisions in accordance with the Carltona principle.

The ministerial decision unit also deals with applications for re-admission to the asylum process by applicants who have been declared not to be refugees, in accordance with the provisions of section 17(7) of the Refugee Act 1996, as amended, and with the processing of revocations of refugee status in certain cases, in accordance with section 21 of that Act. There is nothing unusual or special about the relationship to the Minister of the ministerial decisions unit. It carries out an administrative function in my Department within a given statutory framework in the same way as any other unit.

EU Directives.

593. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the steps contemplated by him to comply with Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property; and if such steps will be given effect by primary legislation rather than regulations. [19128/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am in consultation with the Office of the Attorney General on the steps required to comply with the Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property to enable it to be ratified by Ireland. The details of the action I will take will be outlined in due course.

594. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the steps contemplated by him to comply with Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties; and if such steps will be given effect by primary legislation rather than regulations. [19129/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Primary legislation will be required to give effect to the framework decision on the application of the principle of mutual recognition to financial penalties which was adopted by Council on 24 February 2005. Details, when approved by Government, will be announced in the normal way in due course.

Garda Deployment.

595. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of Garda superintendents who have been appointed to a Garda station (details supplied) in County Clare over the past five years; if he will impose a minimum term contract for such appointments; and if he will make a statement on the matter. [19132/05]

596. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform the number of Garda superintendents who have been appointed to a Garda station (details supplied) in County Clare over the past five years; if he will impose a minimum term contract for such appointments; and if he will make a statement on the matter. [19133/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 595 and 596 together.

I am advised by the Garda authorities, responsible for the detailed allocation of resources, including personnel, that four superintendents have been allocated to each of the districts of Kilrush and Ennistymon in the past five years. The Garda Commissioner has established a review group to examine migration management and policy of tenure. The Garda Commissioner has accepted the recommendation of the review

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group that on first appointment following promotion superintendents remain *in situ* for two years save where the exigencies of the organisation dictate otherwise.

Crime Levels.

597. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded and detailed for each of the division of the Garda districts within County Sligo and north Leitrim for the years 2000, 2001, 2002, 2003 and 2004; and if he will make a statement on the matter. [19168/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On becoming the Minister for Justice, Equality and Law Reform, I arranged for the first time 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 six per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the State.

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. 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, by Garda district in the Sligo/Leitrim division.

Headline Offences Recorded and Detected for Sligo Garda District from 2000 to 2004*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	1	1	1	1	3	3	0	0	0	0
Assault	38	25	56	37	82	60	30	23	12	9
Sexual Offences	27	11	43	34	25	14	9	4	11	11
Arson	59	1	70	12	43	2	33	7	15	0
Drugs	19	19	27	27	28	27	20	20	36	36
Thefts	565	175	665	235	577	176	426	180	428	236
Burglary	224	38	282	87	217	34	305	77	267	83
Robbery	17	9	10	6	5	4	9	4	6	4
Fraud	58	40	45	12	31	13	35	24	37	33
Other	10	4	11	5	12	11	4	3	2	2
Total	1,018	323	1,210	456	1,023	344	871	342	814	414

*Statistics for 2004 are provisional/operational and liable to change.

Headline Offences Recorded and Detected for Carrick-on-Shannon 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	1	1	0	0	0	0	0	0
Assault	22	14	16	7	21	15	7	6	5	4
Sexual Offences	4	2	2	1	2	1	4	2	1	1
Arson	5	0	1	0	3	3	5	4	5	3
Drugs	6	6	3	3	3	3	1	1	1	1
Thefts	119	28	99	15	100	15	47	9	51	8
Burglary	57	11	73	9	46	4	50	7	56	14
Robbery	1	0	0	0	0	0	0	0	1	1
Fraud	12	6	9	4	7	3	13	8	5	3
Other	4	2	5	2	2	2	3	2	0	0
Total	230	69	209	42	184	46	130	39	125	35

*Statistics for 2004 are provisional/operational and liable to change.

Headline Offences Recorded and Detected for Manorhamilton 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	8	4	5	5	11	8	8	7	4	2
Sexual Offences	5	2	3	3	4	4	2	1	2	2
Arson	1	0	4	2	0	0	2	2	0	0
Drugs	2	2	6	6	1	1	2	2	1	1
Thefts	66	8	85	10	60	9	27	2	30	6
Burglary	19	3	22	2	23	1	16	4	28	8
Robbery	0	0	0	0	0	0	0	0	0	0
Fraud	1	1	4	1	4	4	8	6	2	0
Other	23	2	22	13	9	8	2	1	1	1
Total	125	22	151	42	112	35	67	25	68	20

*Statistics for 2004 are provisional/operational and liable to change.

Headline Offences Recorded and Detected for Ballymote 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	2	2	7	7	3	3	3	3
Sexual Offences	1	0	3	2	6	6	3	1	2	1
Arson	3	0	1	0	1	0	3	2	2	2
Drugs	0	0	1	1	3	3	0	0	0	0
Thefts	37	2	50	9	55	11	47	17	38	10
Burglary	26	4	24	2	34	4	48	12	43	13
Robbery	2	1	1	0	2	1	1	1	1	1
Fraud	3	1	4	2	14	13	3	2	11	6
Other	6	5	3	0	0	0	2	2	0	0
Total	81	16	89	18	122	45	110	40	100	36

*Statistics for 2004 are provisional/operational and liable to change.

Child Care Services.

598. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform if he will report on the progress of the implementation of the model framework for education training and professional development in the early childhood care and education sector since its publication in 2002; the efforts he has made or intends to make to improve professional qualifications and quality standards for the early childhood care and education sector; and if he will make a statement on the matter. [19179/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Minister for Education and Science announced the introduction of a national framework of qualifications which is creating a single, coherent and more easily understood system of educational and vocational qualifications. To inform this process for the child care sector, a sub-group of the national child care co-ordinating committee developed a framework entitled, Quality Childcare and Lifelong Learning: A Model Framework for Education, Training

and Professional Development in the Early Childhood Care and Education Sector, which I was pleased to launch in autumn 2002. The model framework describes a set of commonly agreed core value statements for child care as well as the key knowledge and skills necessary to practice child care in a range of occupational roles from basic to expert practitioner. These occupational profiles also set out the expected key tasks and responsibilities of practitioners which should be supported by a broad range of skills and knowledge.

The model framework was formally submitted to the National Qualifications Authority of Ireland, the Further Education and Training Awards Council, FETAC, and the Higher Education and Training Awards Council, HETAC to assist them in their deliberations with respect to the accreditation of child care awards. The model framework has also become important in the development of a number of new and innovative child care education and training courses by a variety of institutions.

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Since its introduction, the model framework has been widely disseminated and influential in the construction of a clear vision for the future development of a flexible and reflective child care work force which holds the needs and best interests of the child at its centre and is focused on achieving the highest standards for both the children cared for and their carers. The model framework was one of the first in what is now a long line of policy initiatives on the issue of quality in child care. The core value statements identified in the model framework are also influencing the national framework of quality in the early childhood care and education setting, which is being developed by the Centre for Early Child Development and Education established by my colleague the Minister for Education and Science.

Since 2000 funding in excess of €44 million has been approved under the quality improvement strand of the equal opportunities child-care programme, which includes support for training initiatives aimed at child care practitioners. As a result there has been a significant increase in the qualifications base of child care workers. In 2000, approximately 23% of staff employed in child care facilities surveyed in the national child care census had a formal qualification at the equivalent of FETAC level two or higher. By 2004 this proportion had risen to 49% on the basis of staff employed in facilities surveyed in the 2004 annual survey of equal opportunities child-care programme beneficiaries. I am confident that the levels of well qualified staff working in the child care sector will continue to grow.

Ministerial Travel.

599. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19195/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I made an official visit to Argentina from 14 to 20 March for the St. Patrick's Day celebrations. In line with Government policy, I took full advantage of my visit there to promote Ireland as a modern, democratic State, an attractive tourist destination and a country with a vibrant economy that offers attractive business opportunities. I also availed of the opportunity to explain ongoing developments in regard to the peace process in Northern Ireland.

Highlights of my trip included an address on modern Ireland to the Centro Argentino de Relaciones Internacionales; a meeting at the presidential palace with the Argentine Minister for the Interior, Señor Anibal Fernández; I hosted a lunch for significant Argentine opinion makers including academic, judicial, legal and human rights figures; I attended a meeting with the Irish community of San Antonio de Areco outside Buenos Aires hosted by Mr. Kevin Farrell, Pres-

ident of the Federation of Irish Societies in Argentina, and Irish priest, Father Tom O'Donnell; I was guest of honour at the St. Patrick's Day reception in Buenos Aires hosted by our ambassador, Mr. Ken Thompson, for members of the expatriate Irish community and leading figures in Argentine cultural and business life, whom I addressed on behalf of the Government and people; I represented the Government at an homage to General José de San Martín, founder of the Argentine nation, organised by the Argentine Ministry of Defence; I attended as guest of honour the wreath-laying ceremony organised by the Argentine navy at Admiral Brown's monument, where I addressed the attendance as the representative of the Government; I attended a St. Patrick's Day mass in the Holy Cross parish church, Buenos Aires, followed by a reception hosted by the Federation of Irish Societies, at which I addressed the guests; and I visited a Development Cooperation Ireland funded NGO project in Oberá, northern Argentina, which provides a home for handicapped and abandoned children. I also visited a nearby home for the elderly, also supported by Development Cooperation Ireland. Both of the latter projects are managed by Father Liam Hayes SMA who as well as securing support from Development Cooperation Ireland over the years, has an extensive Irish support network.

Throughout the visit and on the margins of the official functions I attended, I took every possible opportunity to meet informally with members of the Irish community and influential personalities in Argentine business and official life, to promote Ireland and explore areas of mutual interest. I also gave interviews to several journalists which were carried on local radio and television, in the prestigious *La Prensa*, Argentina's newspaper of record, as well as the English language daily papers in Buenos Aires.

There were seven persons in the official party, which included myself, the Secretary General of my Department, our respective spouses, my programme delivery manager, press officer and private secretary. I can confirm the total cost of the scheduled business flight involved was €35,147.07. The figures relating to the other costs incurred are not yet to hand.

Visa Applications.

600. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a visa will be issued to a person (details supplied) in County Mayo; when all documents will be returned to another related person (details supplied). [19203/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was approved by my Department on 31 May 2005. Notification of any decision normally reaches the applicant within a few working days of the decision date. All documents supplied in support of the application on condition that they be

returned, will be transmitted to the relevant person, via the Department of Foreign Affairs, as soon as possible.

Private Security Authority.

601. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the criteria which are employed to train professional door security personnel; and if he will make a statement on the matter. [19220/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Private Security Authority was established by statute, *inter alia*, to meet the need to ensure a consistent level of service within the private security industry. The authority was formally launched by me late last year. The Private Security Authority represents a true partnership approach to regulation of the industry, composed as it is of employers and employees within the industry, the Garda Síochána and other stakeholders. I am confident that it will help ensure that the private security industry operates to the highest possible standards.

Workers in this area have access to a wide range of training programmes. These programmes are provided through company in-house trainers, commercial trainers and VEC colleges. However, I can confirm that the Private Security Authority, as part of its statutory remit, has reviewed these programmes and decided that the minimum training requirement for issue of a door security personnel licence will be successful completion of a FETAC accredited level four door security personnel minor module.

Crime Levels.

602. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the headline offences recorded and detailed for each of the districts within Donegal in the years 2000 and 2004; and if he will make a statement on the matter. [19221/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

603. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the car theft offences recorded and detailed for each of the districts in Donegal for the years 2000 and 2004; and if he will make a statement on the matter. [19222/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Equality Tribunal.

604. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will

expedite the hearing of a person (details supplied) in County Meath; and if he will make a statement on the matter. [19237/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Equality Tribunal is an independent statutory office set up under the Employment Equality Act 1998, with its remit extended under the Equality Act 2004, to investigate and mediate complaints pertaining to employment and the provision of goods and services.

The Director of the Equality Tribunal, her equality officers and equality mediation officers are independent in the performance of their duties. Once a case has been determined by the tribunal, the complainant or respondent involved may appeal against the decision to the Circuit Court or to the Labour Court in an employment case.

In light of the independent role of the tribunal in investigating-mediating complaints, the Deputy will appreciate that it would not be appropriate for me to comment on or intervene in any way in an individual case.

Garda Stations.

605. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will provide a Garda station in the Castletroy area of Limerick in view of the population growth to 26,000; and if he will make a statement on the matter. [19240/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the Castletroy area of Limerick is policed by gardaí attached to Henry Street Garda station. The personnel strength, all ranks, of Henry Street Garda station as at 3 June 2005 was 192.

I have been further informed that the local Garda management does not propose making any case for the provision of a Garda station in the Castletroy area and states that the area is well policed by the gardaí attached to Henry Street Garda station.

Garda management state that the opening of an additional Garda station would necessitate the employment of Garda personnel on indoor administrative duties. Such personnel can be utilised more effectively in providing a visible Garda presence on outdoor policing duties.

Garda personnel assigned to Limerick, together with overall policing arrangements and operational strategy are continually monitored and reviewed. Such monitoring ensures that the best possible use is made of existing Garda resources and that the best possible service is provided to the public.

Liquor Licensing Laws.

606. **Mr. Andrews** asked the Minister for

[Mr. Andrews.]

Justice, Equality and Law Reform if he will make a statement on the submission of Theatre Forum regarding licensing, restrictions on the sale of alcohol during intervals, requirements for seating to be always provided and the exclusion of children from theatre bars after certain times. [19252/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A consultative process pertaining to my proposals for a Bill to streamline and modernise our liquor licensing laws has recently concluded. I have received a submission from Theatre Forum and I will take its views, and those of other organisations and individuals who made submissions, into account in the context of the drafting of the Bill.

Asylum Applications.

607. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if permission to remain here will be granted to a person (details supplied) residing in County Louth; and if he will make a statement on the matter. [19253/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 30 January 2003 and claimed asylum on the same date. Following an examination of her asylum claim, her application was refused by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. These positions were conveyed to the person concerned by letters dated 9 September 2003 and 5 December 2003 respectively.

A notification under section 3(3)(a) of the Immigration Act 1999 issued to the person concerned on 30 April 2004 advising her of my decision to refuse to give her a declaration of refugee status and setting out the options open to her at that point, that is to leave the State voluntarily, to consent to the making of a deportation order or to make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out reasons as to why she should not be deported.

Representations for temporary leave to remain in the State were received on this person's behalf from her legal representatives. Her case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), having due regard for the representations received, following which a deportation order was made in respect of the person concerned on 25 January 2005. The person concerned was notified of this decision by letter dated 23 February 2005. That letter made the person concerned aware of the requirement that she present herself at the offices of the Garda national immigration bureau on 3 March 2005 in order to make arrangements for her deportation. The person concerned failed to present herself on this occasion, as required, and, as such, is now

classified as an evader who is subject to arrest and detention.

The asylum claim and the request for leave to remain in the State made by the person concerned have been considered comprehensively and fairly. As a result, I see no reason to alter my decision to issue a deportation order in respect of the person concerned. The enforcement of that order is now an operational matter for the Garda national immigration bureau.

Parental Leave.

608. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the details of parental leave under the present legislation; the changes intended in the new legislation; when those changes are likely to come into effect; and if he will make a statement on the matter. [19264/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Parental Leave Act 1998, which came into effect on 3 December 1998, provides an individual and non-transferable entitlement to parents to 14 weeks unpaid leave from work per child to take care of young children. The leave must be taken before the child reaches five years of age, except in certain circumstances in the case of an adopted child.

The Act also provides an entitlement to limited paid *force majeure* leave for urgent family reasons owing to the injury or illness of an immediate family member, in circumstances where the presence of the employee, at the place where the family member is ill or injured, is indispensable. The employee may not be absent on *force majeure* leave for more than three days in any period of 12 consecutive months or five days in any period of 36 consecutive months. During an absence on *force majeure* leave an employee is regarded as being in the employment of the employer and retains all of his or her employment rights.

In accordance with section 28 of the Parental Leave Act 1998 and a Government commitment in the Programme for Prosperity and Fairness, a working group chaired by my Department and comprising representatives from relevant Departments and the social partners was established in 2001 to review the operation of the Act. The report of the working group on the review of the Parental Leave Act 1998 was published in April 2002 and is available on my Department's website www.justice.ie and in the Oireachtas Library. The Government is committed, as part of the Sustaining Progress partnership agreement, to strengthen the parental leave scheme in line with the agreed recommendations of the social partners arising from the working group.

The Parental Leave (Amendment) Bill 2004 which implements the range of improvements agreed by the social partners was published on 16 December 2004. The main provisions of the Bill which is currently awaiting Second Stage in the House include: raising the maximum age of the

eligible child from five to eight years; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; extension of parental leave entitlements to persons acting *in loco parentis* in respect of an eligible child; a statutory entitlement to take the 14 weeks parental leave in separate blocks of a minimum of 6 continuous weeks, or more favourable terms with the agreement of the employer; that an employee who falls ill while on parental leave and as a result is unable to care for the child may suspend the parental leave for the duration of the illness following which period the parental leave recommences and provision for statutory codes of practice on the manner in which parental leave and *force majeure* leave might be taken and the manner in which an employer can terminate parental leave.

The changes provided for in the Bill come into effect on its enactment.

Visa Applications.

609. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if an extension of a holiday visa will be granted in the case of a person (details supplied) in County Kilkenny; the timeframe for a decision in the case; and if he will expedite the matter. [19265/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The immigration division of my Department has no record of an application for an extension of permission to remain in the State from the person concerned. My Department has recently been in contact with him and requested him to submit documentation in respect of his proposed stay. On receipt of same, a decision will be made on the case.

610. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if permission to remain here will be granted to a person (details supplied) in County Louth; and if he will make a statement on the matter. [19266/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application, made on behalf of the person in question for permission to operate a business in the State was received on 1 September 2004 and requests were issued for documentation to support the application. However, as no response was received the application was deemed to have been abandoned. If the person in question wishes to supply the documentation previously requested my Department will be prepared to consider the application.

Criminal Assets Bureau.

611. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the money recovered by the Criminal Assets Bureau in 2004; the way this money is spent; and if he will make a statement on the matter. [19273/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that money seized under the Proceeds of Crime Act 1996, as amended, is placed under the control of a High Court appointed receiver and is held in interest bearing accounts. Moneys collected under the Tax Acts go immediately to the Revenue Commissioners bank account for the benefit of the central fund.

The following statistics relate to moneys seized or collected by the Criminal Assets Bureau during the year 2004: Proceeds of crime action, section 2 interim orders, €1,027,152.18 and £6,115.00; section 3 interlocutory orders, €1,688,651.63 and £375; disposal orders under section 4, €275,875.43; receivership orders under section 7, €2,255,514.30 and £6,116; Revenue action, tax collected, €16,408,649; and social welfare, savings to the Exchequer, €222,921.

Further information on the activities of the Criminal Assets Bureau since its establishment in 1996 is contained in the annual reports of the bureau. Copies of these reports are available in the Oireachtas Library.

Garda Operations.

612. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform his views as to whether all Garda interviews with suspects should be videotaped; the likely cost of such an initiative; and if he will make a statement on the matter. [19274/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that currently there are 130 Garda stations equipped with audio or video facilities. A recently conducted Garda survey indicates that 98.1% of interviews as specified in the Criminal Justice Act 1984 (Electronic Recording of Interviews) Regulations 1997 are now being recorded. Interviews are not recorded mainly because either the arrested person declines to have the interview recorded or the equipment is already in use or is otherwise unavailable.

My intention is to move the number of interviews recorded towards 100%. In this regard, the recently published Third Report of the Steering Committee on Audio and Audi-video Recording of Garda Questioning of Detained Persons found that with the putting in place of additional units of equipment in a number of stations which already have the facility, there are a sufficient number of Garda stations in all Garda divisions to ensure that all interviews as specified in the regulations are recorded. A Garda working group has been established to implement the recommendations of the report.

It is not possible to provide a cost for the provision of additional recording facilities as the cost is dependent on a number of factors, including the cost of the specialised equipment and the provision of suitable, if necessary refurbished, accommodation in Garda stations.

Courts Service.

613. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will consider the introduction of mental health courts that would provide an alternative to the existing courts system for those suffering from mental illness; the likely cost of such a measure; and if he will make a statement on the matter. [19275/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are no plans at present to introduce mental health courts. However, the Criminal Law (Insanity) Bill at present before the House, having been passed by the Seanad, provides for reform of the law on insanity as regards a range of criminal law matters. The Law Reform Commission is engaged in a consultation process on civil law in relation to legal capacity and I shall consider their recommendations when a final report is published. Furthermore, I understand that the Courts Service is carrying out a comprehensive review of wardship law and practice.

Citizenship Applications.

614. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the position regarding the application for citizenship on the basis of marriage for a person (details supplied) in County Limerick. [19291/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of an application for naturalisation from the person referred to by the Deputy.

Crime Levels.

615. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded and detailed for Newcastle West, Rathkeale and Bruff within the Limerick division for the years 2000 and 2004. [19303/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Asylum Applications.

616. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) was refused asylum; and if he will make a statement on the matter. [19304/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 18 June 2003 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and on appeal, by the Refugee Appeals Tribunal, which are two independent bodies. On 27 July 2004 the Office of the Refugee Applications Commissioner informed the person concerned that it was recom-

mending that she should not be declared to be a refugee and she was issued with the reasons for this decision. On 30 December 2004, the Office of the Refugee Appeals Tribunal informed the person concerned that the tribunal had affirmed the original recommendation, and she was issued with the reasons for this decision.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, she was informed by letter dated 22 April 2005 that the Minister proposed to make a deportation order in respect of her. She was given the options to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order.

This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — Prohibition of Refoulement. I expect the file to be passed to me for decision in due course.

Crime Prevention.

617. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the measures which have been in place in the Finglas Garda station area in recent weeks to counteract criminal activity; and if he will make a statement on the matter. [19325/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, Operation Anvil was launched in May this year by the Garda Síochána. It is intelligence-driven and its focus is the targeting of active criminals and their associates involved in serious crime in the Dublin metropolitan region, including Finglas. The operation involves extensive additional overt policing and static checkpoints by uniform mobile and foot patrols supported by armed plain clothes patrols. In addition, covert operations will be undertaken involving local units and personnel from national units.

I am informed by the Garda authorities that there are a number of initiatives in place to counteract public order offending and anti-social activities in the Finglas area. The area receives regular patrolling by uniformed car, mountain bike patrols and van units, in addition to the divisional crime task force, divisional traffic unit and detective units, with a view to ensuring a concentrated and visible Garda presence in the area. In addition, a community police unit is assigned to the area. I am also informed that there is ongoing liaison between the community police unit and residents of Finglas to assist and resolve residents complaints as they arise.

The current policing strategies for the area are predicated on the policy of reducing and preventing incidents of public order offending, the prevention of crimes of violence against persons and property and the maintenance of an

environment where the quality of life of the residents can be assured and consolidated. These strategies are and will continue to be the core value in policing plans for the area for the future.

618. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the measures which have been in place in the Ballymun Garda station area in recent weeks to counteract criminal activity; and if he will make a statement on the matter. [19326/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, Operation Anvil was launched in May this year by the Garda Síochána. It is intelligence-driven and its focus is the targeting of active criminals and their associates involved in serious crime in the Dublin metropolitan region, including Ballymun. The operation involves extensive additional overt policing and static checkpoints by uniform mobile and foot patrols supported by armed plain clothes patrols. In addition, covert operations will be undertaken involving local units and personnel from national units.

I am informed by the Garda authorities that there are a number of initiatives in place to counteract public order offending and anti-social activities in the Ballymun area. The area receives regular patrolling by uniformed car, mountain bike patrols and van units, in addition to the divisional crime task force, divisional traffic unit and detective units, with a view to ensuring a concentrated and visible Garda presence in the area. In addition, a community police unit is assigned to the area. I am also informed that there is ongoing liaison between the community police unit and residents of Ballymun to assist and resolve residents complaints as they arise.

The current policing strategies for the area are predicated on the policy of reducing and preventing incidents of public order offending, the prevention of crimes of violence against persons and property and the maintenance of an environment where the quality of life of the residents can be assured and consolidated. These strategies are and will continue to be the core value in policing plans for the area for the future.

619. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the measures which have been in place in the Santry Garda station area in recent weeks to counteract criminal activity; and if he will make a statement on the matter. [19327/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, Operation Anvil was launched in May this year by the Garda Síochána. It is intelligence driven and its focus is the targeting of active criminals and their associates involved in serious crime in the Dublin metropolitan region, including Santry. The operation involves extensive additional overt policing and static checkpoints by uniform mobile and foot patrols supported by armed plain clothes

patrols. In addition, covert operations will be undertaken involving local units and personnel from national units.

I am informed by the Garda authorities that there are a number of initiatives in place to counteract public order offending and anti-social activities in the Santry area. The area receives regular patrolling by uniformed car, mountain bike patrols and van units, in addition to the divisional crime task force, divisional traffic unit and detective units, with a view to ensuring a concentrated and visible Garda presence in the area. In addition, a community police unit is assigned to the area. I am also informed that there is ongoing liaison between the community police unit and residents of Santry to assist and resolve residents complaints as they arise.

The current policing strategies for the area are predicated on the policy of reducing and preventing incidents of public order offending, the prevention of crimes of violence against persons and property and the maintenance of an environment where the quality of life of the residents can be assured and consolidated. These strategies are and will continue to be the core value in policing plans for the area for the future.

Question No. 620 answered with Question No. 572.

Asylum Applications.

621. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if he will give consideration to the wish of a person (details supplied) in County Clare to remain in the State; and if he will make a statement on the matter. [19353/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned applied for asylum on 30 September 2003. His application was considered at first instance by the Office of the Refugee Applications Commissioner which concluded that the person concerned did not meet the criteria for recognition as a refugee. This position was communicated to the person concerned by letter dated 30 November 2004. The person concerned appealed this recommendation to the Refugee Appeals Tribunal which, following an examination of the person's appeal, affirmed the earlier recommendation. The outcome of this appeal was communicated to the person concerned by letter dated 19 May 2005.

As is normal practice in such cases, this person's file has been forwarded to my Department's ministerial decisions unit. A representative of that unit will write to the person concerned in the near future to advise him on his position in the State.

Registration of Title.

622. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing in the Land Registry office will be completed for a per-

[Mr. Ring.]
son (details supplied) in County Mayo.
[19368/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is a court order application which was lodged on 20 September 2004 — dealing No. D2004SM0009751Y refers.

I am further informed that a query issued on 19 May 2005 and that the application cannot proceed until this query has been satisfactorily resolved. However, I assure the Deputy that on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

623. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform when registration will be completed by the Land Registry office of a dealing (details supplied). [19385/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a vesting certificate in respect of two premises which was lodged on 8 October 2004 — Land Registry Ref. No. 04GR01281 refers.

I am also informed that a query issued to the lodging solicitor on 8 October 2004 to which a partial reply was received on 17 January 2005. I understand that on foot of this a further query has now issued.

I am further informed that while a vesting certificate may now be issued in respect of the premises at No. 12, it is not possible to include the portion of 11A therein. If the applicant wishes to proceed on this basis an award can be made and a vesting certificate can issue in respect of this premises, once the notice period of one month has expired without an appeal being made and the relevant purchase money and any arrears of rent are lodged.

I assure the Deputy that the Land Registry will complete this matter as soon as possible, depending on the applicant's wishes and their response to the outstanding query.

Crime Levels.

624. **Mr. English** asked the Minister for Justice, Equality and Law Reform the details of the headline offences recorded and detailed for each of the districts within the Louth and Meath Garda division areas in the years 1997, 2000 and 2004. [19414/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Human Rights Issues.

625. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform his views on persistent reports and substantial circumstantial

evidence (details supplied) that persons are being smuggled through Irish territory in circumstances that amount to unlawful detention in both Irish and international law; the checks which have been put in place at Shannon Airport by the Garda and security authorities to establish whether there is further evidence of such wrongdoing; and if he will make a statement on the matter. [19416/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 78 of 3 November 2004.

In the case of US military aircraft or chartered civilian aircraft transporting military cargo, the US Embassy submits applications to confirm that the aircraft seeking landing permission will comply with all operative criteria. The Garda Síochána is notified in advance of the arrival of all such flights and of the cargo contents and passenger numbers.

I am informed by the Garda authorities that two formal complaints in respect of allegations of the kind referred to by the Deputy were made in October and December 2004. These complaints were thoroughly investigated by the Garda Síochána, and investigation files were submitted to the Director of Public Prosecutions.

I am further informed that no prosecution was directed in respect of the complaint made in October 2004, as there was no evidence to support any criminal charge. Directions are awaited in respect of the second investigation file.

Regarding any aircraft landing in the State, the Deputy can be assured that the Garda Síochána will conduct a full investigation in any case in which a credible complaint of criminal activity is made, to include, where appropriate, an inspection of the aircraft in question.

Registration of Title.

626. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when dealings (details supplied) will be completed in the Land Registry office. [19432/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the applications referred to by the Deputy comprise an application for transfer of part, which was lodged on 19 March 2004; and an application for deed of rectification which was lodged on 7 March 2005 — dealing Nos. D2004SM002488U and D2005SM002584D refer.

I am also informed that both of these applications are associated with dealing No. D2002SM002744T which was lodged prior to the above mentioned cases. I am further informed that there is an outstanding query in respect this dealing number and that none of the applications can be completed until this query has been satisfactorily resolved.

However, I assure the Deputy that as soon as the outstanding query has been resolved, the

applications will receive further attention in the Land Registry and will be completed as soon as possible.

Inquiry into Child Abuse.

627. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the progress he has made in establishing a commission of inquiry into the allegations of child abuse in the diocese of Dublin; if he will establish commissions of inquiry in the other dioceses of the country; and if he will make a statement on the matter. [19440/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy is aware, in light of allegations in 2002 about the handling by the church of child sex abuse, I announced my intention to introduce legislation for a new procedure which would enable focused and efficient investigations into matters of significant public concern to be undertaken. The Commissions of Investigation Act was subsequently enacted in July 2004.

My Department is in the process of establishing a commission of investigation into the handling of allegations of sexual abuse by members of the clergy operating under the aegis of the archdiocese of Dublin. The purpose of the commission will be to examine how such allegations and complaints were handled by church and public authorities.

Under the provisions of the Commissions of Investigation Act, the approval of the Minister for Finance is required before a Minister proposes the establishment of a commission of investigation under the Act to the Government. Accordingly, a draft memorandum for Government proposing the establishment of a commission of investigation into the handling of allegations of sexual abuse by members of the clergy operating under the aegis of the archdiocese of Dublin was submitted by my Department to the Department of Finance in December 2004 for the approval of the Minister for Finance.

I am in discussion with the Minister for Finance with a view to obtaining his approval to circulate the draft memorandum for Government. I have no plans to establish a commission of investigation in respect of any other diocese.

Citizenship Applications.

628. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if an application for citizenship by a person (details supplied) in County Kildare has been received and is being processed. [19442/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no record of an application for naturalisation from the person referred to by the Deputy.

Asylum Applications.

629. **Mr. G. Mitchell** asked the Minister for

Justice, Equality and Law Reform if the case of persons (details supplied) will be reviewed; if any avenue of appeal remains; and if he will make a statement on the matter. [19443/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned arrived in the State on 7 February 2003 and applied for asylum. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, they were informed by letter dated 31 August 2004 that the Minister proposed to make deportation orders in respect of them. They were given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons they should be allowed to remain temporarily in the State, leaving the State before orders are made or consenting to the making of deportation orders.

Their case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — prohibition of refoulement. I expect the file to be passed to me for decision in due course.

Citizenship Applications.

630. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding the application for naturalisation by persons (details supplied) in County Kildare; and if he will make a statement on the matter. [19460/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that I have approved the applications for naturalisation of the persons concerned on 30 May 2005. The applicants' legal representatives were informed of my decision by letter on 1 June 2005 as well as the procedures, including payment of the statutory fee, which must be finalised before certificates of naturalisation can issue. Once these procedures are completed, certificates of naturalisation will issue as soon as possible thereafter. I will inform the Deputy when the matter is finalised.

Question No. 631 answered with Question No. 583.

Crime Levels.

632. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Limerick Garda district of Bruff for each of the years 2000 to 2004; and if he will give consideration to establishing a further Garda presence in the area. [19474/05]

633. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Limerick Garda district of

[Mr. J. O’Keeffe.]

Newcastle West for each of the years 2000 to 2004; and if he will give consideration to establishing a further Garda presence in the area. [19475/05]

634. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Limerick Garda district of Askeaton for each of the years 2000 to 2004; and if he will give consideration to establishing a further Garda presence in the area. [19476/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 632 to 634, inclusive, together.

I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

635. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the crime statistics for the Macroom Garda district in west Cork for each of the years 2000 to 2004; and if he will give consideration to establishing a further Garda presence in the area. [19477/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Questions No. 373 to 380 on Tuesday, 10 May 2005 on this matter.

Garda Deployment.

636. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will investigate concerns expressed by persons in an area (details supplied) in Dublin 8; and if he will make a statement on the matter. [19513/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, operational matters are an issue for the management of the Garda Síochána. I am informed by the Garda authorities that officers based in Kevin Street Garda station ensure the area referred to by the Deputy receives high visibility policing that consists of patrols by uniformed gardaí, the detective units, the divisional crime task force, the special resource unit, the Garda mountain bike unit, the district drugs unit and the community policing unit. In particular, the area referred to is being targeted by the district drugs unit at Kevin Street to allay the fears of residents in relation to drug activity.

I am further assured that the Garda authorities continue to liaise with community groups and other agencies to ensure that the concerns of the community are effectively addressed and that local Garda management is satisfied with the current level of policing which they monitor and review on a continuous basis.

Prisoner Transfers.

637. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform if a request has been

received from a person (details supplied) in Dublin 11 for a transfer to another prison to serve the remainder of their sentence; if the request has been considered; and if he will make a statement on the matter. [19514/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to made a written application for a transfer to Shelton Abbey which was forwarded to Prison Service headquarters on 28 March 2005. He was informed in correspondence dated 8 April 2005, through the governor of Wheatfield Prison, that his request had been refused. His case was further discussed at a local prison review meeting which took place on 2 June 2005. This meeting was attended by representatives of the education unit, probation and welfare service, chaplaincy service in Wheatfield Prison along with prison staff, prison management and a representative of Prison Service headquarters. The outcome of this meeting was that his application for a transfer to an open centre was again refused.

Closed Circuit Television Systems.

638. **Mr. Kirk** asked the Minister for Justice, Equality and Law Reform if he will confirm a proposal to provide CCTV cameras for Drogheda; the indicative date for installation of same; and if he will make a statement on the matter. [19515/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that an application for a Garda CCTV system for Drogheda has been received by the CCTV advisory committee. This committee was established by the Garda Commissioner to advise on all matters relating to CCTV systems. This application is currently under consideration by the advisory committee with applications from other cities and towns throughout the country.

It should be noted that there are already 17 CCTV schemes nationwide which are either at installation, tender or planning stages. This expansion is being implemented on a phased basis as follows: phase 1 — Bray, Dundalk, Dún Laoghaire, Finglas, Galway and Limerick; phase 2 — Athlone, Clondalkin, Tallaght and Waterford; and phase 3 — Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. Phase 1 has been completed in five of the six locations. Installation of the CCTV systems is of necessity a detailed, complex and lengthy process and the Garda authorities have been giving careful consideration to a restructuring of the manner in which these Garda CCTV systems go to tender.

I am anxious to accelerate the implementation of the remaining CCTV programme and reduce as far as possible the workload of the Garda Síochána in this regard. The proposed redesign of the tender document provides an opportunity to outsource the installation of Garda CCTV systems to the greatest possible extent, making use not only of the technical but also of the pro-

ject management expertise in the private sector. In that regard, I asked the Commissioner to submit proposals for a revised tender document for the eleven locations in the remaining two phases with a view to achieving implementation in priority locations by the end of 2006.

As a first step in this process the Garda authorities have placed a request for tender document on the Government e-tenders website seeking tenders for consultancy services for the procurement, supply and implementation of town centre CCTV systems to the Garda Síochána. Six tender proposals have been received and are currently being evaluated.

In order to procure the most rapid delivery of these systems, the Garda Síochána is endeavouring to establish the most appropriate procurement model available. This process will involve the successful tenderer examining all aspects of Garda involvement in CCTV systems, including the installation, operation and management of systems; monitoring, recording and related activities; accommodation and situation of facilities and staff in relation to the town scheme and Garda station premises; and assessment of civilianisation of Garda CCTV monitoring conducted under the management of the Garda Síochána.

The successful tenderer must also examine and recommend which procurement model is considered to be the most suitable in terms of commercial viability and cost effectiveness for the provision of town centre CCTV systems. It is the ambition of the Garda Síochána to maximise outsourcing of all processes in making Garda town centre CCTV systems available in the most efficient and effective manner. The inclusion of other town centre locations in the programme of Garda CCTV systems will be considered in the context of the Commissioner's proposals.

Visa Applications.

639. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the case of a person (details supplied); if this case needs to be reviewed; and if he will make a statement on the matter. [19516/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application referred to by the Deputy was for the stated purposes of enabling a non-EEA national travel to the State to join his wife who is an Irish national. When assessing applications of this type, the visa officer will consider, among other factors, whether the level of salary of the spouse in Ireland would come within the ambit of qualifying for payment from public funds. In this regard, the criteria set by the Department of Social and Family Affairs for eligibility for family income supplement payment, FIS, is used. The criteria, which may change from time to time, are available on that Department's website www.welfare.ie/publications/sw22.html. If the level of the spouse's

income as evidenced by his or her payslips or P60 would qualify for FIS payments, the application for a visa is generally refused as it is evident that the family can seek recourse to public funds.

In the case of the person referred to by the Deputy, the application was refused for reasons of finances, specifically in relation to the adequacy of the finances to enable the couple to live in the State without recourse to public funds.

An appeal was made against the decision to refuse the application. The application was re-examined by the appeals officer who upheld the decision to refuse as the level of income would come within the ambit of qualifying for FIS payments. It is open to the applicant to make a fresh application supported by current documentation. In this regard, evidence of increases in salary will be taken into account.

Child Care Services.

640. **Mr. G. Murphy** asked the Minister for Justice, Equality and Law Reform when funding will be provided to a group (details supplied) in County Cork; and if he will make a statement on the matter. [19517/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy may be aware, the community based group in question was awarded a staffing grant of €65,000 in December 2002 and a further €170,000, over two years in April 2004. This brings the total amount of staffing approved for this project under the Equal Opportunities Childcare Programme, EOCP, 2000-2006, to €235,000, over a three year period. This amount of staffing grant assistance was considered to be appropriate to the level of service being offered and to the level of disadvantage in the area. In addition, the group was awarded capital grant assistance under the EOCP of €1 million in December 2002.

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

The staffing grant assistance already approved to the group in question will continue to support them until the end of June 2006. At that point, if the group continues to meet the criteria for extended funding, it can have the expectation that it will continue to receive staffing grant support until the end of 2007.

Citizenship Applications.

641. **Ms Enright** asked the Minister for Justice, Equality and Law Reform when an application for Irish citizenship for a person (details supplied) in County Offaly will be processed; if his attention has been drawn to the fact that the application for citizenship has been ongoing based on their length of stay since 1991; and if he will make a statement on the matter. [19590/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 22 January 2004. The average processing time for such applications is 24 months. On the basis of the current average processing time, therefore, it is likely that the application of the individual concerned will be finalised in early 2006. I will inform both the applicant and the Deputy when a decision has been made on the application.

642. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform the reason behind the delay of 14 months in reaching decisions on the resident status of foreign nationals married to Irish citizens. [19591/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications of the type referred to by the Deputy are dealt with in chronological order, in fairness to all other applicants, and take approximately 16 months to process. The resources allocated to process such applications are dependent on the prioritised work requirements of the immigration division of my Department at any one time, which is operating against a background of significant increases on demands for its services over a wide range of areas, including the type of applications referred to.

The immigration division of my Department has growing experience of marriages being entered into for the sole purpose of enabling the non-national in question gain entry to the State. Frequently in these circumstances, the Irish national may be totally unaware that this is the intention of the non-national and will feel aggrieved by the perception that the immigration authorities are interfering with their private life in refusing to allow their spouse to enter or remain in the State. On occasion, the Irish national may be a willing party for their own personal benefit. "Convenience" marriages for the purpose of circumventing normal immigration controls are experienced by immigration jurisdictions worldwide and, in this regard, holiday and Internet romances would feature frequently.

To prevent abuses of the system, in so far as is possible and without unduly interfering with the Irish citizen's private circumstances, the immigration division will seek to establish various matters. These include the context in which the marriage took place, the validity of the marriage

and whether the couple are residing in a family unit. This may involve requesting supporting documentation as evidence of the relationship or an interview by the immigration authorities of either or both parties. We are, however, currently examining the possibility of introducing, within the confines of the limited resources available, an expedited service for the more straightforward cases.

Work Permits.

643. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform his policy with reference to allowing the spouses of foreign nationals from outside the EU to join their spouses as the case may be in the State when the spouse is working here legally on a work permit; and if he will make a statement on the matter. [19592/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The following is the position in respect of non-EEA nationals who are legally employed in the State on work permits and who wish to be joined here by their spouses. If the spouses are visa required nationals then the workers in question must have been in the State for a period of 12 months and have the expectation of remaining here for at least a further 12-month period before they can be joined here. If the spouses are not visa required nationals, there is no waiting period before they may join their spouses in the State. However they must be in a position to support their spouses without recourse to public funds.

Decentralisation Programme.

644. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform if he will consider relocating another section of his Department to Clondalkin, Dublin 22, to facilitate staff working in the Irish Prison Service headquarters who were only relocated to Clondalkin three years ago and may now wish to remain working and living in the Clondalkin area. [19593/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the Government's decentralisation programme, the Irish Prison Service headquarters is scheduled to move to Longford by the first quarter of 2007 and the question of the continued utilisation of the building in Clondalkin where the service is accommodated is being considered by my Department in conjunction with the Office of Public Works.

645. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the number of staff and their grades who have applied for transfer to Longford from the Irish Prison Service headquarters, Clondalkin, Dublin 22; the annual savings anticipated to be made on travel and subsistence expenses being incurred by staff who will be located in Longford and be required to travel to prisons in Dublin and other expenses incurred by staff travelling to Longford from other prisons

around the country; and if Longford is regarded as the most central and appropriate location for the Irish Prison Service headquarters. [19594/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The selection of Longford as the location for the headquarters of the Irish Prison Service is a key element in the delivery of the Government's decentralisation programme. The building of the new headquarters will commence later this year and it is hoped that it will be completed on schedule with a view to occupation in early 2007.

Some 20 officers of the Irish Prison Service based at Clondalkin applied to the central applications facility to decentralise to Longford. Grades include principal officers, assistant principal officers, higher executive officers, executive officers, staff officers and clerical officers. In addition, 26 members of general service staff from other areas of my Department have also sought transfer to Longford. Staff from other Departments have sought transfer to Longford via the central applications facility and my Department will liaise with those Departments with a view to facilitating those seeking transfer. I remain confident that any shortfall in numbers will be resolved well in advance of the actual move.

As regards travel, subsistence and other administrative costs which are part of the normal operational expenses of the Irish Prison Service, I see no reason these should be significantly different when the Irish Prison Service headquarters is located in Longford than those which are incurred under the current arrangements.

Garda Deployment.

646. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Lucan on 1 January 2005, January 2003, January 2001 and January 1999. [19595/05]

647. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Clondalkin station on 1 January 2005, January 2003, January 2001 and January 1999. [19596/05]

648. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Ronanstown station on 1 January 2005, January 2003, January 2001 and January 1999. [19597/05]

649. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform if he is satisfied that the strength of the Garda force in Lucan has increased at an appropriate rate over the past ten years to keep pace with the rapid growth in population in Lucan; and if there are any plans to increase the Garda force in Lucan to keep pace with population growth and increases in crime. [19598/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 646 to 649, 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 — all ranks — of the Garda stations at Lucan, Clondalkin and Ronanstown as at 1 January 2005, 2003, 2001 and 1999 was as set out in the following table:

Station	1999	2001	2003	2005
Lucan	61	67	73	74
Clondalkin	59	63	82	82
Ronanstown	65	65	72	81

I have been further informed by the Garda authorities that local Garda management is satisfied that the levels of Garda personnel allocated to the areas concerned are adequate to meet the present policing needs of these areas. Resources are augmented from within the divisions as required. The areas are also patrolled by the divisional crime task forces, community policing units, district detective units and district drug units.

I have been further informed by the Garda that the Lucan District was formed in 1997 as part of the newly created Dublin metropolitan region west division. The personnel strength of Lucan district as at 10 June 2005 was 183 — all ranks. This compares with a figure of 69 on 31 December 1997 and represents an increase of 114, or 165%, since that date. The personnel strength of DMR west division as at 10 June 2005 was 678 — all ranks. This compares with a figure of 502 on 31 December 1997 and represents an increase of 176, or 35%, since that date.

Garda personnel assigned to the areas concerned together with overall policing arrangements and operational strategy are constantly monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible service is provided to the public. The situation will be kept under review and when additional personnel next become available the needs of these areas will be fully considered within the needs of Garda stations throughout the country.

Garda Deployment.

650. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the names of the lawyers who represent or who have represented the Garda Commissioner or the former Garda Commissioner at the Morris tribunal of inquiry; and the amount of costs recommended or awarded to the lawyers in respect of both of the aforementioned by the tribunal. [19603/05]

651. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the names of the lawyers who represent or who have represented him at the Morris tribunal of inquiry; and the amount

[Mr. Durkan.]
of costs recommended or awarded to his lawyers to date by the Tribunal. [19604/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 650 and 651 together.

A single team of counsel was appointed to represent the Garda Commissioner and certain members of the Garda Síochána, namely, Mr. Patrick Marrinan SC; Mr. Michael Durack SC; Ms Tara Burns BL; Mr. Paul Gormley BL; Mr. Eamon Leahy SC; and Ms Nuala Butler SC.

A single team of counsel was also appointed to represent the Department-Minister for Justice, Equality and Law Reform, namely, Mr. Paul O'Higgins SC; Mr. Fergal Foley BL; and Ms Mary Kerrigan BL. The tribunal has not made any award or recommendation as to the payment of costs in respect of these counsel.

Refugee Appeals Tribunal.

652. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the training which is given to each Refugee Appeals Tribunal member; the duration of such training; and the frequency with which such training is renewed. [19792/05]

653. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the amount which has been paid to members of the Refugee Appeals Tribunal in 2002, 2003 and 2004; the amount which has been paid to each member of the tribunal respectively in 2002, 2003 and 2004; and the number of cases which have been heard per member of the tribunal. [19793/05]

654. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of members appointed to the Refugee Appeals Tribunal; the date on which they were appointed; if each member of the tribunal works on a full-time

or part-time basis and holds a temporary or permanent contact; and the number of hours worked or cases heard per member in 2002, 2003, 2004 and to date in 2005. [19794/05]

655. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the person who appoints the members of the Refugee Appeals Tribunal; the criteria used for the selection of new members of the tribunal or for renewal or contracts of existing members; if the Civil Service Commission has any input into the selection of the members; the number of years for which it is necessary to have been practising as a barrister or solicitor prior to appointment to the Refugee Appeals Tribunal; the initial date of appointment and the date of renewal of appointment of each member of the tribunal; when and the location at which each tribunal member was interviewed. [19795/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 652 to 655, inclusive, together.

The Refugee Appeals Tribunal is an independent body established under the Refugee Act 1996. The tribunal comprises a chairperson and at present 35 ordinary members appointed by the Minister for Justice, Equality and Law Reform. The criteria used in making appointments to the Refugee Appeals Tribunal are set out in the Second Schedule to the 1996 Act. Ordinary members of the tribunal, who are part-time, hold office for a term of three years and, as in the case of the chairperson, are required to have had not less than five years' experience as a practising barrister or practising solicitor before appointment. The chairperson is appointed for a term of office of five years following open competition held by the Public Appointments Service.

The dates of appointment and, where appropriate, re-appointment of current members of the tribunal are set out in the following table:

Name	Date of Appointment	Date of Re-appointment
1. Eamonn Cahill, SC	20/11/00	20/11/03
2. Aidan Eames, Solicitor	20/11/00	20/11/03
3. Eamonn Barnes, BL	20/11/00	20/11/03
4. Jim Nicholson, BL	20/11/00	20/11/03
5. Donal Egan, BL	20/11/00	20/11/03
6. Patrick Hurley, Solicitor	20/11/00	20/11/03
7. Sunniva McDonagh, BL	20/11/00	20/11/03
8. Des Zaidan, BL	20/11/00	20/11/03
9. Bernadette Cronin, SC	20/11/00	20/11/03
10. Michael O'Kennedy, SC	05/06/02	20/11/03
11. Doreen Shivnen, BL	23/01/01	23/01/04
12. Olive Brennan, BL	30/04/03	23/01/04
13. Michelle O'Gorman, BL	17/07/01	17/07/04
14. Rory MacCabe, SC	31/07/01	31/07/04
15. David Andrews, SC	05/06/02	03/08/04
16. Ben Garvey, BL	26/09/01	26/09/04
17. Declan McHugh, BL	10/10/01	10/10/04
18. Joseph Barnes, BL	23/05/02	17/01/05

Name	Date of Appointment	Date of Re-appointment
19. Paul A. McGarry, BL	21/01/02	21/01/05
20. Bruce St. John Blake, Solicitor	22/02/02	22/02/05
21. Denis Linehan, Solicitor	04/03/02	04/03/05
22. Anne Tait, Solicitor	12/03/02	12/03/05
23. John Hayes, Solicitor	12/03/02	12/03/05
24. Bernard McCabe, BL	12/01/04	
25. Mary E. Laverty, SC	12/01/04	
26. David McHugh, BL	12/01/04	
27. Ricardo Dourado, BL	12/01/04	
28. Elizabeth O'Brien, BL	12/01/04	
29. Susan Nolan, Solicitor	08/03/04	
30. Samantha Cruess Callaghan, BL	10/03/04	
31. Margaret Levey, BL	10/06/04	
32. Judy Blake, BL	20/12/04	
33. Sean Deegan, BL	20/12/04	
34. Noel Whelan, BL	20/12/04	
35. David Goldberg, SC	20/01/05	

Paragraph 12 of the Second Schedule to the Refugee Act 1996, as amended, requires, *inter alia*, that the chairperson of the Refugee Appeals Tribunal make provision for training programmes for members. I am advised by the chairperson that on appointment, each member is required to undergo basic intensive training as follows: introduction to refugee law provided by UNHCR; introduction to research of country of origin information-legal issues, provided by experienced tribunal staff and staff from the refugee documentation centre operated by the Legal Aid Board; introduction to domestic case law relevant to refugee status determination; mentoring programme — all newly appointed members are required to undergo three months mentoring under the guidance of selected experienced mentors. The programme consists of one to one practical assistance and advice by a senior member on all aspects of the decision-making process, including conduct of hearings. The mentoring programme includes feedback on progress to the chairperson.

I am also advised that as a priority, the training needs-refresher training needs of each individual member are reviewed on an ongoing basis and all courses when required are delivered in accordance with the members' training needs analysis. In this regard, I am advised that during 2004 the tribunal engaged a comprehensive training initiative delivered by the UNHCR which comprised confidential intensive one-on-one consultations with members. Sessions were tailored to individual members' concerns. This project was conducted in two rounds with members participating in both rounds.

I am also informed that the tribunal also operates a training and education programme comprising of in-house organised courses, which include attendance by guest expert speakers on topics such as dealing with unaccompanied minors, specific countries of origin and assessing claims concerning torture and trauma.

Arrangements are in place for members to avail of courses arranged by organisations which specialise in asylum-human rights issues and also to attend conferences and seminars which take place both in Ireland and abroad. A new development in 2005 was the establishment of the education and training committee which consists of senior members of the tribunal and senior members of the administrative staff. The purpose of the committee is to identify training needs for tribunal members; to design an appropriate training programme; and to evaluate ongoing progress in relation to training. Some further details of the training seminars attended by the members of the tribunal are included in the annual report of the tribunal for 2004 which was laid before both Houses of the Oireachtas on 20 April 2005.

The total amount paid to members of the tribunal for the years 2002, 2003 and 2004 is set out in the following table:

Year	2002	2003	2004
Amount Paid	1,694,040.44	1,864,376.81	2,339,323.56

The amount paid to each member of the tribunal in 2002, 2003 and 2004 is set out in the following table:

Name	2002	2003	2004
1. Eamonn Cahill, SC	138,951.95	109,653.81	111,416.23
2. Aidan Eames, Solicitor	113,790.44	101,587.98	62,563.07
3. Eamonn Barnes, BL	62,862.19	41,708.73	62,472.95
4. Jim Nicholson, BL	208,039.41	135,415.36	232,762.91

Name	2002	2003	2004
5. Donal Egan, BL	88,588.34	116,315.44	94,588.18
6. Patrick Hurley, Solicitor	129,783.23	90,941.02	116,573.67
7. Sunniva McDonagh, BL	60,794.28	66,159.79	48,027.34
8. Des Zaidan, BL	68,270.77	75,229.36	134,571.91
9. Bernadette Cronin, SC	156,103.38	129,799.58	128,348.96
10. Michael O'Kennedy, SC	14,335.84	87,196.92	81,333.21
11. Doreen Shivnen, BL	36,198.83	65,601.99	31,764.93
12. Olive Brennan, BL	0.00	19,097.45	123,491.03
13. Michelle O'Gorman, BL	70,907.88	76,735.48	86,734.64
14. Rory MacCabe, SC	75,845.99	62,849.85	66,473.79
15. David Andrews, SC	18,582.94	55,638.86	93,865.54
16. Ben Garvey, BL	95,831.50	154,066.31	194,085.88
17. Declan McHugh, BL	35,854.76	13,771.02	45,669.66
18. Joseph Barnes, BL	2,025.29	10,049.07	28,957.16
19. Paul A. McGarry, BL	46,659.43	82,419.55	57,781.16
20. Bruce St. John Blake, Solicitor	18,045.98	56,366.67	40,357.96
21. Denis Linehan, Solicitor	20,887.44	57,422.99	131,848.88
22. Anne Tait, Solicitor	15,611.24	45,345.36	22,391.66
23. John Hayes, Solicitor	49,837.87	82,385.41	54,719.25
24. Bernard McCabe, BL	0.00	0.00	35,397.98
25. Mary E. Laverty, SC	0.00	0.00	35,567.97
26. David McHugh, BL	0.00	0.00	58,820.53
27. Ricardo Dourado, BL	0.00	0.00	20,698.90
28. Elizabeth O'Brien, BL	0.00	0.00	54,094.90
29. Susan Nolan, Solicitor	0.00	0.00	17,130.24
30. Samantha Cruess Callaghan, BL	0.00	0.00	17,600.68
31. Margaret Levey, BL	0.00	0.00	11,792.07
32. Con Murphy, Solicitor*	15,858.00	10,442.91	37,039.32
33. Judge Gillian Hussey*	9,837.35	13,640.00	381.00
34. Bernard Brennan, Solicitor*	6,805.04	0.00	0.00
35. Conor Bowman, BL*	18,257.39	25,167.95	0.00
36. Dympna Cusack, BL*	6,856.63	0.00	0.00
37. Joseph Ward, BL*	26,495.48	18,360.48	0.00
38. Monica Lawlor, BL*	24,336.39	0.00	0.00
39. Judge Sean Delap — deceased*	0.00	6,643.27**	0.00
40. Veronica Gates, BL*	10,355.08	3,885.38	0.00
41. John Ryan, BL†	47,430.10	50,478.82	0.00

* Former members of the Refugee Appeals Tribunal.

† Appointed as interim chairperson 3 December 2003.

** Arrears paid to Mr. Delap's widow.

In relation to the additional information requested by the Deputy regarding individual members of the Refugee Appeals Tribunal, I am advised by the chairperson that as his organisation is a statutory body, independent in the performance of its functions under the provisions of sections 15 and 16 of the Refugee Act 1996, it would be inappropriate for him to provide the requested information.

Asylum Applications.

656. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if all documentation and information provided to the Irish-born child unit will be returned to a person (details supplied) in County Wexford as soon as possible; and if he will make a statement on the matter.
[19796/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person concerned was granted permission to remain in the State on the basis of parentage of an Irish born child on 16 February 2005. All original documents submitted with his application, other than the birth certificate of the Irish born child, were returned to him by registered post on the same day. Other original documents on file, submitted by the person concerned in support of his asylum application, were returned to him by registered post on 9 June 2005.

Dublin-Monaghan Bombings.

657. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason a victim (details supplied) of the Dublin bombings in 1974 is having problems in obtaining a medical

expenses cheque; and if this attitude will cease immediately. [19818/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am assured that the applicant in question, like all other applicants, is treated in a caring, fair and equitable manner by the Remembrance Commission, which is the body responsible for administering the fund for the victims in this jurisdiction of the conflict in Northern Ireland.

I have also been informed that the person in question has been awarded an exceptional payment of €25,000, under section 9(c) of the amended scheme of acknowledgement, remembrance and assistance for victims in this jurisdiction of the conflict in Northern Ireland. This funding was awarded in recognition of the considerable debt which has been incurred as a result of the injuries received and which, in the opinion of the commission, the applicant would have had great difficulty in discharging.

Furthermore, I understand that the victim in question has received funding in respect of medical expenses incurred in 2004 and 2005. The commission has also approved funding for counselling sessions this year and is awaiting information on the number of further sessions that will be required prior to making a decision on whether to approve future funding.

The commission's secretariat is processing additional claims from the victim in question in respect of medical expenses which will be decided on in the near future. Since the commencement of this scheme in excess of €2,458,000 has been paid to victims, or to surviving family members, and to victim support groups which assist those trying to come to terms with injury or bereavement.

Anti-Social Behaviour.

658. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if there are now nightly incidents of anti-social behaviour at a location (details supplied) in Dublin 3; if the Garda will liaise with Dublin City Council with regard to installing locked gates at the park entrance; and if he will make a statement on the matter. [19822/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management is aware of the anti-social behaviour problems at the location referred to by the Deputy. I am also informed that local Garda management held a meeting with the local residents to discuss their concerns and another meeting with the residents and Dublin City Council is due to be held in the near future to further advance the matter.

I understand that two community gardaí are assigned to patrol the area, in addition to daily foot and mobile patrols. I am assured that local Garda management will ensure that a concentrated visible presence is maintained in this area.

Residency Permits.

659. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in respect of residency status in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [19841/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The case in question is under consideration and a decision will be made shortly.

Visa Applications.

660. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform if the decision made in relation to a visa application by a person (details supplied) will be reviewed. [19842/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application referred to by the Deputy was received in my Department on 18 April 2005. In assessing any visa application various matters will be considered, including whether the applicant will fully honour the conditions of the visa, for example, it is likely that the applicant would overstay the length of time applied for. The visa officer will have regard to information provided and to such factors as the applicant's ties and general circumstances in their country of origin in coming to a decision.

The visa officer who assessed the application was not happy to approve the visa in the knowledge of adherence to Schengen visas issued in recent years as there was not enough evidence provided in regard to obligations at home to ensure that the applicant would return home following the proposed visit. The visa officer could not reasonably be satisfied, on the basis of documentation supplied to my Department, that the applicant would fully honour the conditions of the visa if it were to be approved.

If the applicant still wishes to travel she may appeal this refusal by writing to the visa appeals officer in my Department within two months of the notification of refusal and submit any additional documentation that it is felt may address the reasons for refusal as outlined above.

Community Policing.

661. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform his plans to ensure that recognition be given to the tireless work of volunteers nationwide by giving the community alert organisation a key role in the proposed new community policing committees, with regard to the Garda Síochána Bill 2004; his views on whether it is nonsense to put a new structure in place when a network is already working successfully albeit operating on a shoestring (details supplied); and if he will make a statement on the matter. [19853/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I assume that the Deputy is referring to the provisions contained in the Garda Síochána Bill, currently before the House, which

[Mr. McDowell.]

provide for the establishment of joint policing committees by local authorities and the Garda Commissioner. The function of the committees will be to serve as a forum for consultations, discussions and recommendations on matters affecting the policing of the local authority's administrative area. In particular, the committees will keep under review levels and patterns of crime, disorder and anti-social behaviour and the factors underlying them, advise the local authority concerned and the Commissioner, hold public meetings and establish as necessary local policing fora. The Bill also provides for the issuing of guidelines concerning the establishment and maintenance of the committees. These guidelines may include provision for the appointment to the committees of persons representing local community interests. Work has commenced on the drafting of guidelines with a view to enabling early implementation of these provisions of the Bill, when enacted, to proceed.

Community Alert is a community-based crime prevention initiative in rural communities which was set up by Muintir na Tíre in association with the Garda Síochána in 1985. It encourages individuals to be aware of suspicious activities and to provide greater care and concern for the elderly in the community. Initiatives such as Community Alert work well because of the straightforward sense of mission they have and because of the local involvement of people who care. They would not work if it were not for the volunteers who give freely of their time and put the effort into making things happen.

My Department contributes annually towards the costs of operating the programme and contributed €150,000 in 2004. My Department's funding provides assistance towards the costs of the programme's national co-ordinator, based at Muintir na Tíre's headquarters in Tipperary town, and three local development co-ordinators, who promote the establishment of new groups and contribute to increasing the effectiveness and level of activity of existing groups. Discussions are under way regarding my Department's funding in 2005 for the programme. Funding for additional local development co-ordinators is also provided by the South Eastern Health Board. As part of the work on drafting the guidelines for the joint policing committees, careful consideration will be given to what role can be played by organisations such as Community Alert.

Citizenship Applications.

662. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if he will reconsider his decision to apply a three-year residency requirement, as part of an internal change in guidelines after 22 May 2003, for convention refugees who wish to apply for citizenship in the interests of fairness (details supplied); and if he will make a statement on the matter. [19862/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The first main point that must be made is that the acquisition of Irish citizenship through the naturalisation process is a privilege, not a right. The discretionary nature of the naturalisation process is in keeping with international practice. Thus, it is not the case that a person who has been resident here, or in employment here, or has been granted refugee status here has, after a period or even an extended period of time, a right to naturalisation. It has been the case since 1935 that all decisions on naturalisation, even where all of the statutory conditions for naturalisation have been fulfilled, are expressed to be at the absolute discretion of the Minister for Justice, Equality and Law Reform.

Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that an applicant for naturalisation must have one year's period of residence in the State before the date of the application and a total of four years' residence in the State in the eight years preceding that period.

Section 16 of that Act provides that I may, in my absolute discretion, waive the statutory conditions in certain circumstances, including where the applicant is a person who is a refugee within the meaning of the United Nations convention relating to the status of refugees. In considering applications under this provision, I am generally disposed to waiving two years of the normal residency requirement, thereby requiring such applicants to be resident in the State for three years at the time of the application. In so far as refugees are concerned, the three year period commences from the date the applicant arrived in the State to seek refugee status.

The conditions necessary for the acquisition of naturalisation are not just about residency. Another equally important requirement, and one which is not generally waived by me, even where the applicant is a refugee, is that of good character. Since the acquisition of refugee status does not of itself evidence good character, I consider that a period of three years' residence in the State is generally necessary for the purpose of building a profile from which to evaluate that requirement. I have no plans to review this policy at the present time.

Liquor Licensing Laws.

663. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if the Garda authorities have received ongoing complaints regarding an off-licence (details supplied) in Dublin 7; if the off-licence had its licence withdrawn for a short period in 2004 during which anti-social activities subsided in the area; if the Garda objected to the renewal of the licence at this premises; and if he will make a statement on the matter. [19982/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I am informed by the Garda authorities that local Garda management is aware

of a number of complaints regarding anti-social behaviour in the vicinity of the premises referred to by the Deputy. I understand the complaints relate to loitering by local youths in and around the premises. However, local Garda management is satisfied that the premises concerned is not the only focal point for congregating youths and anti-social behaviour in the area.

I am further informed that at no time during 2004 did the premises have its licence withdrawn. However, it did cease its off licence sales for a short period. No noticeable drop in anti-social behaviour was observed by the Garda authorities during this period. I understand that local Garda management did not raise any objections when the licence was being renewed. I am assured that both Garda foot and mobile patrols will continue to give regular and ongoing attention to the area mentioned.

Proposed Legislation.

664. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform if correspondence (details supplied) has been received by his Department; if so, his views on the matter; and if he will make a statement on the matter. [19983/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that the correspondence to which the Deputy refers was received in my Department on 1 June 2005. I will consider the views expressed in the correspondence in due course in the context of the drafting of the intoxicating liquor Bill.

Residency Permits.

665. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform if he will introduce temporary work visas to allow the spouses of persons applying for post-nuptial citizenship to work pending the outcome of their application and in view of the financial hardship caused to couples that must wait 16 months to have their applications processed; and if he will make a statement on the matter. [20052/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume the Deputy is referring to applications for residency in the State based on marriage to an Irish national which are currently taking approximately 16 months to process. Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis and applications of this type are dealt with in chronological order, in fairness to all other applicants. The resources allocated to process such applications are dependent on the prioritised work requirements of the immigration division of my Department at any one time, which is operating against a background of significant increases on demands for its services over a wide range of areas, including the type of applications referred to.

The immigration division of my Department has growing experience of marriages being entered into for the sole purpose of enabling the non-national in question gain entry to the State. Frequently in these circumstances the Irish national may be totally unaware that this is the intention of the non-national and will feel aggrieved by the perception that the immigration authorities are interfering with their private life in refusing to allow their spouse to enter or remain in the State. On occasion the Irish national may be a willing party for their own personal benefit. Convenience marriages for the purpose of circumventing normal immigration controls are experienced by immigration jurisdictions worldwide and, in this regard, holiday and Internet romances would feature frequently.

To prevent abuses of the system in so far as is possible and without unduly interfering with the Irish citizen's private circumstances, the immigration division will seek to establish various matters. These include the context in which the marriage took place, the validity of the marriage and whether the couple are residing in a family unit. This may involve requesting supporting documentation as evidence of the relationship or an interview by the immigration authorities of either or both parties.

It has always been the case that the non-national concerned could not enter employment pending the outcome of the application for residency, unless he or she had a valid work permit. We are, however, examining the possibility of introducing, within the confines of the limited resources available, an expedited service for the more straightforward applications.

Deportation Orders.

666. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform if the reason a person (details supplied) in County Dublin arrived here in the first place is not still sufficiently compelling to defer for an indefinite period his deportation if it transpires that he cannot continue to obtain his current treatment in respect of his illness, notwithstanding the Minister's previous decision to deport this person; and if he will make a statement on the matter. [20067/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As stated in my replies to Question No. 164 of Thursday, 3 February 2005, Question No. 265 of Wednesday, 9 March 2005 and Question No. 208 of Thursday, 28 April 2005, a comprehensive examination was carried out in relation to this person's asylum application and his application to remain temporarily in the State. All representations received on his behalf, including late representations, were considered and it was decided that the contents of these representations were not such as would warrant the reversal of the decision to issue a deportation order against this person. As a result, the deportation order remains in place.

Adult Education.

667. **Mr. Stanton** asked the Minister for Education and Science the differences that exist between the grading systems and presentation of results by the course providers, such as FÁS and vocational educational committees, of FETAC level two in child care; the reason these differences exist; and if she will make a statement on the matter. [19343/05]

Minister for Education and Science (Ms Hanafin): The Further Education and Training Awards Council, FETAC, was established on 11 June 2001 under the Qualifications (Education and Training) Act 1999. It is the single national awarding body for further education and training in Ireland, and is now responsible for making awards that were previously made by CERT, now Fáilte Ireland, FÁS, the National Council for Vocational Awards, NCVA, Teagasc and the National Council for Education Awards, foundation certificate.

On establishment, FETAC, in agreement with the former awarding bodies, FÁS, Fáilte Ireland, Teagasc, NCVA and BIM, adopted a transition phase. This included the adoption of the policies and procedures of the above bodies, thus enabling ongoing award development. The Act provided for a period of five years' transition to full implementation of FETAC's functions. This allowed time for the National Qualifications Authority of Ireland, NQAI, to establish a national framework of qualifications and for FETAC to develop its own policies and procedures consistent with the Act and the new framework.

During this time the processes and procedures of the former awarding bodies have continued. Thus, the procedures for grading and presentation of results by providers such as FÁS and the VECs have continued to operate as formerly constituted by those bodies prior to the establishment of FETAC. These processes will continue until FETAC introduces new awards from 2006 which will be underpinned by new standards and assessment policies as devised by FETAC.

FETAC has adopted a phased approach to the introduction of planned changes to the awarding systems. This first phase of development was the placement of all existing and former awards made by the former awarding bodies at a level on the new framework of qualifications. This placement process was completed in early 2005 and all details regarding the placement are available on the FETAC website at www.fetac.ie. Further planned changes will include the development of common processes for devising standards, assessing and monitoring programmes of further education and training.

Weight of Schoolbags.

668. **Mr. O'Shea** asked the Minister for Education and Science when she will respond to the letter of a person (details supplied) in County

Waterford regarding school children carrying overweight schoolbags; and if she will make a statement on the matter. [19571/05]

Minister for Education and Science (Ms Hanafin): The previous correspondence, which is referred to in the letter in question, was forwarded to my Department for direct reply by my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney. This correspondence was replied to by my private secretary on 9 May 2005. The letter referred to by the Deputy was replied to by my private secretary on 10 June 2005 updating the position set out in the previous reply of 9 May 2005. A new circular 13/05 on the weight of schoolbags issued to schools on 2 June 2005. A copy of the circular has been placed on my Department's website.

Adult Education.

669. **Mr. McGuinness** asked the Minister for Education and Science when funding allocations will be made under phase 4 of the adult education guidance initiative; if she will expedite a decision in the case (details supplied); and if she will make a statement on the matter. [20218/05]

738. **Mr. Kehoe** asked the Minister for Education and Science when a decision will be made concerning approval for funding under phase 4 of the adult education guidance initiative for the CDCD network, Castlecomer, County Kilkenny; the total amount of funding available for the scheme; and the total number of applications submitted for inclusion in the scheme. [19458/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 669 and 738 together.

The adult education guidance initiative is funded by my Department under the National Development Plan 2000-2006. Phase 4 of the initiative is due to commence in September 2005.

Applications for funding of pilot projects under phase 4 of the initiative were invited from statutory and voluntary bodies with a capacity to deliver an adult educational guidance service to learners in literacy, VTOS and community education programmes. The closing date for receipt of applications was 1 June 2005. The selection process is being overseen by the National Centre for Guidance in Education, NCGE.

A selection committee will examine applications received by the due date. A shortlist of eligible projects will be recommended to my Department in order of merit for my approval. The process will be completed and applicants informed of the outcome by the end of June.

Education Welfare Service.

670. **Mr. Connolly** asked the Minister for Education and Science the progress to date with regard to the functioning of the National Educational Welfare Board; the number of education welfare officers in place throughout the country;

and if she will make a statement on the matter. [19802/05]

Minister for Education and Science (Ms Hanafin): The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education. The priority that I attach to supporting the NEWB in delivering on this goal is evident from the fact that the budget which has been allocated to the NEWB for 2005 is up by 20% on the 2004 allocation, to nearly €8 million.

To discharge its responsibilities, the board is developing a nationwide service that is accessible to schools, parents-guardians and others concerned with the welfare of young people. For this purpose, educational welfare officers, EWOs, are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the board's functions locally.

The service is developing on a continuing basis and the board received sanction in late 2004 from my Department to recruit an additional ten educational welfare officers. This brings its total authorised staffing complement to 94, comprising 16 HQ and support staff, five regional managers, 11 senior educational welfare officers and 62 educational welfare officers. These additional posts will ensure that every county will have an educational welfare service.

To date, the board has focused the resources available to it on providing a service to the most disadvantaged areas and most at-risk groups. Five regional teams have now been established with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. Some 13 towns with significant school going populations, 12 of which are designated under the Government's RAPID programme, also now have an educational welfare officer allocated to them.

The board issued an information leaflet to 330,000 families and 4,000 schools in March 2004. The leaflet targeted parents and guardians of children aged between six and 16 years of age and young people aged 16 and 17 who have left school early to start work. It outlined the role that parents and guardians play in ensuring that their children do not miss out on education and training and also gave information about the National Educational Welfare Board. In addition, the board launched a new lo-call telephone number to inform parents and guardians about their legal role and responsibilities under the Education (Welfare) Act 2000.

Guidelines were issued by the NEWB to all primary and second level schools in January of this year on reporting student absences. The guidelines provide step-by-step advice on how and when school attendance returns should be made and on how a new website established by the NEWB can be used by schools to comply with their legal obligations to report student absences to the board.

The NEWB collated the first hard data on school attendance nationally during the summer of 2004. The data revealed the level of non-school attendance in Ireland for the first time. Two core themes were immediately apparent from the data: absenteeism is prevalent throughout the country and it is significantly worse in disadvantaged areas. Under the terms of the Education (Welfare) Act 2000, one of the functions of the board is to conduct and commission research into the reasons for non-attendance on the part of students and into the strategies and programmes designed to prevent it. The board is in the process of establishing two research projects in 2005, one of which will focus on an analysis of student absenteeism returns.

The first assessments of children being educated in places other than in recognised schools, for example, the home, have been carried out by authorised persons specially trained for the work. By the end of March 2005, 40 children had been registered as being in receipt of a certain minimum education. Assessments have also taken place in a number of independent schools and these children will also be registered.

I understand that the board issued the first school attendance notices, SANs, to parents in March 2005. SANs are legal notices requiring the parent to send the child to a named school for a specified period of time. They are the first step in taking legal action against parents who have failed over time to co-operate with educational welfare officers to ensure that their children attend school and where the board considers that parents could do more to uphold their children's right to an education.

The board recently launched its first strategic plan entitled, Every Day Counts, to cover the period 2005 to 2007. It sets out five strategic goals which will focus the work of the board over the next three years. The NEWB believes that every day counts in a child's education. Consequently, encouraging and supporting regular school attendance is at the heart of the work of the board.

I will be keeping the issue of the NEWB's staffing under review in the light of the roll-out of services and any further proposals that the board may put to me in relation to clearly identified priority needs.

Special Educational Needs.

671. **Ms C. Murphy** asked the Minister for Education and Science the number of special needs assistants assigned to schools in County Kildare;

[Ms C. Murphy.]

the number of these who will have their contracts renewed prior to the ending of the 2004-05 school year; if she intends to put a more formal structure in place for special needs assistants; and if she intends to introduce specific contracts for special needs assistants. [19803/05]

Minister for Education and Science (Ms Hanafin): There were 273.31 whole-time equivalent special needs assistants, also known as SNAs, employed in 80 primary schools in County Kildare on my Department's payroll at the end of May 2005. It is not possible to say how many of these will have their contracts renewed for the new school year. Responsibility for the recruitment and employment of SNAs rests with the relevant school authorities.

SNAs are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. There has been no change to the criteria or guidelines for allocating SNA support to schools and there are no plans to review the criteria or guidelines under which SNA support is allocated.

Applications for SNA support are now dealt with by the National Council for Special Education which processes all applications for support from schools and communicates the decisions directly to the schools. At this stage, the council has dealt with all new applications from schools for SNAs that will be required from the beginning of September 2005.

However, to ensure that resources are used in the most effective manner, a review has been conducted in recent months to establish whether primary schools have the level of SNA support that they need for children in their care, whether they have resources which they no longer need or whether they need extra resources. The review has found that some schools no longer have the care needs for which the SNA was originally sanctioned, that is, in some cases the child may have left the school while in other cases the care needs of the child have diminished as the child has progressed through the school. In this regard, the schools where surplus SNA support was identified have been advised that they may retain this surplus until the end of the current school year.

My Department is engaged in discussions with the trade union representing SNAs, under the auspices of the Labour Relations Commission on a number of issues relating to the employment of SNAs, including the issues raised by the Deputy. In the circumstances, it would not be appropriate for me to comment specifically on any of these issues.

The Deputy will be aware that this Government has put in place an unprecedented level of support for children with special needs. Since 1998, the number of SNAs has increased from under 300 to nearly 6,000 nationally. In addition to this, more effective systems, such as the establishment of the National Council for Special Edu-

cation, have been put in place to ensure that children get support as early as possible.

University Post.

672. **Mr. F. McGrath** asked the Minister for Education and Science the reason a top educationalist had to leave a college (details supplied) in Dublin 3; and if she will make a statement on the matter. [19806/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is well aware, the president of the college covered by the Deputy's questions resigned from that position on Friday, 29 April. The matter relates to the employee-employer relationship between the head of the college and that person's employers which, I understand, were subject to legal proceedings. In this regard, it is considered that it is not appropriate for me to make any comment on them.

I have asked an accountancy firm to examine the use of moneys paid by my Department to the institution in question. It is important, however, to point out at this stage that there is nothing to show that funding provided by my Department to the institution in question has not been applied solely and properly for its intended purposes, but it is important to secure confirmation that this is the case.

Apart from the provision of funding, my Department also has a role in relation to the quality of graduates from the college. This role is similar to its role *vis-à-vis* other State-supported colleges of this nature. My Department's inspectorate actively monitors the quality of the graduates on an ongoing basis to ensure that the highest quality students leave all colleges of this nature. This is a well established monitoring process and one which has worked very well.

Educational Disadvantage.

673. **Mr. F. McGrath** asked the Minister for Education and Science the details of the strategy to retain quality teachers in disadvantaged schools (details supplied). [19807/05]

Minister for Education and Science (Ms Hanafin): Under DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion that I launched in May, the recruitment and retention of principals and teaching staff in schools serving disadvantaged communities is given particular focus. In addition, there will be a renewed emphasis on professional development for principals and teaching staff working in such schools.

To ensure that schools participating in the new school support programme, SSP, under the action plan can continue to attract and retain well qualified personnel a number of specific measures will be implemented on a phased basis. These will include reduced thresholds for the appointment of administrative principals in urban-town primary schools participating in the SSP; and a sabbatical leave scheme to create opportunities

for principals and teachers who have served for a defined period in a school participating in the SSP to apply to undertake a period of development to enhance their own learning and effectiveness, and bring subsequent benefits to their students and their school. In addition, a new initiative on pre-service and in-service professional development will be designed and implemented on a phased basis for principals, teachers and other personnel in schools serving disadvantaged communities.

Question No. 674 answered with Question No. 64.

School Transport.

675. **Mr. Wall** asked the Minister for Education and Science her views on the need for seat belts in school buses; if the scale of the tragedy may have been lessened had seatbelts been present; if she will be pressing other Departments to make sure seat belts are installed on school buses; and if she will make a statement on the matter. [18948/05]

Minister for Education and Science (Ms Hanafin): I feel that I must be circumspect in making any premature judgment in relation to the recent tragic school bus accident in county Meath before the results of the Garda, Bus Éireann and Health and Safety Authority investigations are available. Clearly the factors which have contributed to this devastating incident must be carefully analysed and examined before we can consider the appropriate action to take.

There is at present no legal requirement to wear seat belts in buses, including school buses, in this country. However, EU Directive 2003/20 requires seat belts to be used where they are fitted. This directive must be transposed into national law by 9 May 2006.

Separately, proposals to extend the requirement for seat belts to be fitted in all new vehicles, except for city buses used in stage stop routes, have been developed at EU level. When the directive is adopted, all new school buses being registered from a future date, yet to be determined, will require to be fitted with seat belts. It is not expected that this directive will provide for any mandatory retrofitting of seat belts in existing buses.

The question of the fitting and the mandatory use of seat belts on school buses outside of these legislative requirements is at present under consideration in my Department. Before any decision is made, the issue of the type or types of seat belt to be fitted must be determined having regard to the differing sizes of the student passengers being carried. My Department is working closely with the Department of Transport and Bus Éireann on this issue and any decisions reached will be guided by expert advice.

Whatever conclusion is reached, the provision of seat belts on school buses, if that is what is recommended, would have to be introduced on a phased basis having regard to the logistical diffi-

culties involved in sourcing right-hand drive buses equipped with any appropriate seat belts and the fact that not all the buses in the current fleet may be suitable for the retrofitting of seat belts.

School Staffing.

676. **Mr. P. McGrath** asked the Minister for Education and Science if a primary school (details supplied) in County Westmeath will retain the additional mainstream teaching post as previously sanctioned. [18951/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy is included in the disadvantaged areas scheme, DAS, and the Giving Children an Even Break, GCEB, programme. Under the disadvantaged areas scheme the school benefits from one additional ex-quota teaching post, additional capitation grants of €38.09 *per capita*, a refund of the television licence fee and eligibility for 95% building grants for building projects. Designated disadvantaged schools are included in the home-school-community liaison scheme and the school has access to the services of a home-school-community liaison co-ordinator.

Under the urban dimension of Giving Children an Even Break, the school is benefiting from supplementary funding to provide additional educational supports for pupils who are considered to be at risk of educational disadvantage and early school leaving. The level of funding provided under this scheme is commensurate with the number of at risk pupils in the school. The school is not considered eligible for additional teaching staff under this scheme, based on the level of concentration of at risk pupils within its enrolment.

As the Deputy is aware, a new general allocation scheme has been announced under which schools will be provided with resourcing teaching hours, based on their enrolment figures, to cater for children with high incidence special needs such as dyslexia and those with learning support needs. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

The general allocation for the school in question is 12.5 hours. In addition, the school may retain one teaching post and 15 part-time hours under transitional arrangements to cater for the needs of individual pupils with high incidence special needs until such time as these pupils leave the school. The school's resource teaching allocation under the new scheme is based on its status as a mixed school, that is, the first post is allocated at 145:1. Schools whose allocations are based on 80:1 are those disadvantaged schools that are specifically eligible for additional staffing

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under the urban dimension of the Giving Children an Even Break scheme. This school is not eligible for such additional staffing and so does not qualify for the special 80:1 ratio for resource teacher allocation.

Disadvantaged Status.

677. **Mr. P. McGrath** asked the Minister for Education and Science the primary schools in County Westmeath which will lose their previous disadvantaged designation by the introduction of the weighted general allocation scheme. [18952/05]

Minister for Education and Science (Ms Hanafin): Schools will not lose any previous disadvantaged designation as a result of the introduction of the new general allocation system. Schools whose allocations under the new general allocation scheme are based on an enrolment of 80:1 are those disadvantaged schools that are specifically eligible for additional staffing under the urban dimension of the Giving Children an Even Break scheme.

The identification of schools for the provision of different levels of extra support under the Giving Children an Even Break scheme introduced in 2001 was based on the number of pupils in the school with characteristics that are associated with educational disadvantage and early school leaving. The levels of disadvantage were established as a result of a comprehensive survey of primary schools carried out by the Educational Research Centre in March-April 2000 at the request of my Department. The criteria considered as part of this survey were those which have been proven to have a high correlation with educational disadvantage, including employment status of pupils' parents, medical card possession, and type of housing.

Other schools, that may not be eligible for additional staffing under Giving Children an Even Break may have been selected for inclusion in the earlier disadvantaged areas scheme. All schools granted designated disadvantage status under this scheme will retain that status. However, some will not qualify for the 80:1 allocation ratio for resource teachers unless they had a level of concentrated disadvantage that warranted extra staffing under Giving Children an Even Break.

As the Deputy is aware the review of the general allocation system has now been completed. The new model replaces that which was notified to schools in June 2004, which has been reviewed to take account of difficulties that it may have caused for smaller schools. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allo-

cation until those children leave the primary school system.

678. **Mr. P. McGrath** asked the Minister for Education and Science the primary schools in County Westmeath which will lose teachers under the recently introduced weighted general allocation scheme. [18953/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. As the Deputy may be aware my Department has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of any clustering arrangements that may apply. One of the objectives of the general allocation model is to maximise the extent of full-time permanent posts available to support the needs of pupils with higher-incidence special educational needs, SEN, and learning support teacher requirements. Clustering facilitates the assignment of experienced teachers as well as allowing for better training of resource teachers on the basis that permanent posts will retain teachers for longer periods. This ultimately benefits the pupils. To this end, schools, particularly those with small enrolments, have been grouped in clusters where possible.

Part-time hours have been provided to schools in cases where it was not possible to form a cluster of general allocation hours. Schools that have been allocated part-time permanent hours may be aware of a local school or schools with part-time permanent hours that when combined could form a full-time permanent post. It is open to any such schools wishing to form a cluster by combining these hours to contact my Department's special education section in writing with details of their proposal. It should be noted that these arrangements apply to staffing associated with the general allocation model only.

Where it is not possible for schools to form permanent posts under the general allocation model, such schools may, for the purposes of creating temporary full-time posts, form clusters to combine permanent part-time hours allocated under the general allocation model with hours allocated for individual children with low incidence disabilities, or transitional hours retained for children with high incidence disabilities. Again, any schools wishing to form such temporary full-time posts should contact my Department's special education section in writing with details of their proposal. This arrangement will apply for the 2005-06 school year only and is being facilitated on the understanding that, as pupils with an individual allocation of hours leave the school at the end of that school year, the full-time temporary posts will be adjusted to the appropriate reduced level of part-time hours. Responsibility for filling any additional posts which may be created using the above arrangements rests with the manage-

ment authorities of the relevant schools in line with Department procedures.

Schools have been advised that where they currently have a permanent resource teacher and where they have adequate hours to warrant the continuation of a full-time post through a combination of general allocation hours and-or low incidence hours and-or transitional hours for the coming school year, they may retain the existing teacher for the school year without the status of the teacher having to change. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. It is also the case that pupils with lower incidence special needs, such as autism, will continue to be catered for on an individual application basis.

My Department is finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year. It is also intended that this circular will address issues that have been raised by schools with my Department since the system was notified to schools in mid-May. I am satisfied that the introduction of the new system will greatly benefit schools and the children in schools that need additional support.

School Placement.

679. **Mr. Kehoe** asked the Minister for Education and Science the position regarding the pupils from schools (details supplied) in County Wexford who are excluded from the catchment area; the work which has been done following the meeting for the schools and families; and if she will make a statement on the matter. [18954/05]

Minister for Education and Science (Ms Hanafin): For the purposes of post-primary education provision, the country is divided into catchment areas, each of which has its own post-primary education centre. Catchment boundaries were determined following consultation with local educational interests and the intention was that certain primary schools would feed exclusively into each centre. My Department provides accommodation to meet the educational needs of an area on this basis.

Allowing pupils from outside a catchment area to enrol in a particular school can impact negatively on those who reside within the area and who are entitled as of right to a place. It invariably also impacts negatively on the school or schools to which these pupils should rightly attend and in which considerable capital investment has been made for this purpose. It is a matter for all school authorities in the context of their enrolment policies to limit enrolment to

within their catchment area to ensure that this situation does not arise.

The schools to which the Deputy refers are within the Kilmuckridge, Carnew and Arklow catchment areas. These catchment areas have a total of five post-primary schools between them. An examination of enrolment trends in these schools has been carried out by school planning section for the purposes of ensuring that there is sufficient accommodation to cater for demand for pupil places. This examination revealed that enrolments in all five schools have dropped, in some cases quite dramatically, in the past ten years. In the circumstances, the school planning section is satisfied that there is ample accommodation for the pupils in question to attend post-primary schools in their own catchment areas.

School Enrolments.

680. **Mr. Kehoe** asked the Minister for Education and Science the assistance which is available to a person (details supplied) in County Wexford to help them enter the secondary school of choice. [18955/05]

Minister for Education and Science (Ms Hanafin): The pupil in question did not attend the appropriate feeder primary school which would entitle her to a place in the community school to which the Deputy refers. This community school is heavily oversubscribed as a result of a significant number of pupils enrolling from outside its catchment area. The development of this type of situation can impact negatively on those who are entitled, as of right, to a place in a particular school by virtue of the fact that they reside in the area and attend the appropriate feeder schools. It also invariably impacts negatively on the school or schools which these pupils should rightly attend and in which considerable capital investment has been made for this purpose. It is a matter for all school authorities, in the context of their enrolment policies, to limit enrolment to within their catchment areas to ensure that such situations do not arise. A school authority may offer places to pupils from outside the catchment area only if it does not have negative repercussions for additional accommodation and or transport costs.

Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under section 29 of Education Act 1998 to appeal that decision to the Secretary General of my Department. Section 29 of the Education Act 1998 provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. An appeal will generally not be admitted unless it is made within 42 calendar days from the date the decision of the board of management was notified to the parent or student concerned. However, a longer period for making appeals may be allowed as an exception where it is accepted that circumstances did not permit the making of an appeal within the 42 day

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limit. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

Special Educational Needs.

681. **Mr. Noonan** asked the Minister for Education and Science if her attention has been drawn to the widespread discontent and opposition to her proposals for assistance for children with educational disability in primary schools; if she will consider reinstating one-to-one teaching assistance for children with mild and border line disabilities and for children with specific learning disabilities; and if she will make a statement on the matter. [18997/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, a new scheme for allocating resource teachers to schools to cater for the needs of children with high incidence special needs and learning support needs, was announced last month. The reason for the new scheme is simple. Children with special needs such as dyslexia or mild learning difficulties are found in almost every school. It makes sense then that every school should have a number of resource teaching hours based on the number of pupils in the school.

This is a major improvement on the previous system, under which children with high incidence special educational needs required a psychological assessment for every child before they were given resource teaching hours by the Department. This was a time-consuming process that often led to delays in children getting the support they needed. Resource teachers will now be in place in the school from the start of the school year, so that children who need their assistance can get it straight away.

Under the new arrangement, disadvantaged schools, boys schools and mixed schools get extra resources, as research shows that pupils in these schools are more likely to have learning difficulties. To ensure that every school has enough resource teaching hours to meet the needs of its pupils, an extra 660 resource teaching posts are being put in place for next September. Some 340 of these are permanent posts and 320 are temporary posts being provided to ensure that children who had been given an individual allocation of resource teaching hours by my Department will keep these in situations where the general allocation to the school would not be sufficient to allow it to provide these hours from within its general allocation.

The provision of these temporary posts will ensure that no child who has been allocated a specific number of hours with a resource teacher by my Department will lose these under these new arrangements. The reality is that the majority of schools are gaining resource teaching hours under the new scheme. Addressing the concerns of small and rural schools was, as the Deputy will be aware, the reason why I initiated a review of

the original general allocation model which had been announced last year, to come into effect in the 2005-06 school year. Following this review, a special improved ratio for small schools has been introduced to ensure that they are given resource teaching hours on a more favourable basis.

I stress that, despite misleading claims to the contrary, the new scheme does not prevent schools from giving one-to-one time with a resource teacher to any child who needs such support. Rather, it ensures that each school has enough resources to ensure that each child gets a level of support appropriate to their individual needs. The school can then use its professional judgement to decide how these hours are divided between different children in the school, to ensure that all their needs are met. Research shows that some children with special needs will respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The point is that the type of response needed depends on the child. While the new scheme will not prevent schools from giving one-to-one time with the resource teacher to children that need it is important to note that one-to-one teaching is not the best option for every child.

I am grateful to the Minister for Finance for providing me with the resources to ensure that the new system could be put in place. As of next September, there will be more than 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. One out of every five primary school teachers is now working specifically with children with special needs.

The Government, particularly I as Minister for Education and Science, is deeply committed to improving services for children with special needs. I believe that, in addition to the massive increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

I acknowledge that the introduction of the new system is resulting in changes for schools and there will be a period of time needed during which schools become familiar with how it operates. I also acknowledge that, in order to ensure that the system is in place for the beginning of the school year in September, it was not possible to give schools more time to become familiar with all of the details of the new system and I would like to thank schools for their co-operation with implementing the new system in the short timeframe that was available. However, I am not aware of any widespread discontent and opposition to the new system. I believe that the advantages of having a general allocation system

in place comprehensively outweigh any initial difficulties, such as changes in clustering arrangements, that may be experienced.

Question No. 682 answered with Question No. 89.

State Examinations.

683. **Mr. Durkan** asked the Minister for Education and Science if special arrangements will be made for a person (details supplied) in County Meath to sit their exams; and if she will make a statement on the matter. [19008/05]

Minister for Education and Science (Ms Hanafin): On foot of a Government decision, the then Minister for Education and Science formally established the State Examinations Commission on 6 March 2003. The commission now has statutory responsibility for operational matters relating to the certificate examinations. This includes the matter raised by the Deputy. I have forwarded your question to the State Examinations Commission for direct reply.

School Staffing.

684. **Mr. P. Breen** asked the Minister for Education and Science, further to Parliamentary Question No. 935 of 12 April 2005, if an application for a full-time resource teacher for a school (details supplied) in County Clare has been processed; and if not, when a response will be forthcoming. [19009/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, my Department is considering the application in question. A decision will be conveyed to the school as quickly as possible.

Schools Building Projects.

685. **Mr. Penrose** asked the Minister for Education and Science if tenders which have been submitted in respect of the provision of important facilities at a school (details supplied) in County Westmeath will be approved as well as the full capital amount; and if she will make a statement on the matter. [19048/05]

Minister for Education and Science (Ms Hanafin): I can confirm to the Deputy that tenders have been received for works at the school to which he refers. My Department is examining this documentation and a decision will be notified to the school authority as quickly as possible.

686. **Ms F. O'Malley** asked the Minister for Education and Science the reason a school (details supplied) was once again not included in the summer works programme in 2005. [19090/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school in question received a grant for roof repairs under the 2004 summer works scheme and

has been allocated funding for mechanical and electrical works and for structural repairs under the 2005 summer works scheme.

School Staffing.

687. **Mr. Deenihan** asked the Minister for Education and Science if she will review the suppression of three permanent teaching posts at a school (details supplied) in County Kerry; and if she will make a statement on the matter. [19091/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, my Department has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of any clustering arrangements that may apply. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year.

The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

The staffing of the school in question is a principal, three mainstream class teachers, one learning support teacher and two resource teachers. The school's entitlement under the general allocation system is 17.5 hours. In addition, the school also has an allocation of ten hours under the transitional hours arrangements. The transitional arrangements involve an interim allocation to certain schools to address the position of pupils with high incidence special education needs who had been granted individual resource allocations by my Department under previous staffing allocation systems and who are in schools that would be due to have their staffing allocation in respect of high incidence children reduced if the new system were implemented without alteration.

I can confirm to the Deputy that the school has submitted a proposal regarding a revision of the clustering arrangements that had been notified to them. I am pleased to say that my Department has been able to revise the clustering arrangements to ensure the retention of an existing special education post within this school. The school authorities are aware of this revision. The remaining two special education teachers have been placed on the diocesan panel.

Special Educational Needs.

688. **Mr. O'Shea** asked the Minister for Education and Science the assistance she will provide for a special needs person in west Waterford

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(details supplied); and if she will make a statement on the matter. [19114/05]

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.

Some 71 special educational needs organisers have been recruited throughout the country and will be a focal point of contact for schools and parents. My officials have made this person's details available to the NCSE for consideration by the local SENO. The SENO will contact the parties concerned in due course.

The provision of therapies is a matter for my colleague, the Minister for Health and Children.

Vocational Education Committees.

689. **Mr. P. Breen** asked the Minister for Education and Science when the inquiry into the resignation of the former Clare Vocational Education Committee chief executive will be complete; if the findings will be made public; if she will be seeking an interim report (details supplied); and if she will make a statement on the matter. [19144/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that I decided to terminate the original inquiry and establish a new inquiry with new terms of reference. The officer conducting the new inquiry is proceeding with his work. I have not sought an interim report and I do not propose to do so. I am not in a position at present to provide a specific timescale for presentation of the report. However, I understand that the officer expects to be in a position to present the report to me in the autumn. When I receive the report, I will consider it in advance of making it available to the VEC and other interested parties.

School Transport.

690. **Mr. P. Breen** asked the Minister for Education and Science when she plans to upgrade the school buses used to service schools in County Clare (details supplied); and if she will make a statement on the matter. [19145/05]

Minister for Education and Science (Ms Hanafin): The detailed information in regard to school buses used to serve schools in County Clare is not readily available. However, all vehicles operating under the school transport scheme are required to meet the statutory regulations laid down by the Department of Transport. Where vehicles have more than eight adult seats and are more than one year old, they are required to pass that Department's annual road-worthiness test. About 20% of the vehicles used for school transport are owned by Bus Éireann

and the remaining 80% are owned by private operators on contract to Bus Éireann. The average age of the Bus Éireann large capacity bus fleet is 16 years. The average age of all vehicles used is 11.5 years.

Since 1999, Bus Éireann has purchased a large number of vehicles as part of an ongoing school bus fleet replacement programme, to continually improve the age profile and condition of their school bus fleet. In addition to this, the Bus Éireann school bus fleet has some 400 large capacity buses that were transferred from the general service fleet into the dedicated school transport bus fleet. More than 250 of these buses were transferred in the period 1999-2003, and they represent another valuable source of replacement buses over this period. This investment has produced an improvement in the condition of the fleet generally. This fleet replacement programme, aimed at replacing older buses with more modern vehicles, is continuing.

691. **Mr. Ring** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo must travel one mile to reach a pick-up point for the school bus, to be brought to a secondary school in Ballinrobe; and the further reason the previous service discontinued without prior notice or consultation with the persons involved. [19146/05]

Minister for Education and Science (Ms Hanafin): A report on this case has been requested from the transport liaison officer, County Mayo VEC. The Deputy will be advised of the position when the report has been received and assessed.

Special Educational Needs.

692. **Mr. Carey** asked the Minister for Education and Science if her attention has been drawn to an anomaly in relation to children with special educational needs who attend early start programmes and who are not entitled to the same levels of support (details supplied); and if she will make a statement on the matter. [19149/05]

Minister for Education and Science (Ms Hanafin): The early start project is a one-year, pre-school intervention and children must be between the ages of three and four on 1 September of the year they are enrolled. The approach taken in early start is to establish groups of 15 pupils in existing primary schools in disadvantaged areas, with each class being run by a primary school teacher and a qualified child care worker.

With regard to children with special needs attending early start, while my Department does not provide special needs assistants for pre-school provision, applications have been considered on a case-by-case basis where an exceptional need has been demonstrated.

All children attend early start for one year and are then enrolled in junior infants. Resources are

put in place to cater for the needs of children with special needs when they are enrolled in junior infants. Any application for such resources should be sent by the school to the local special educational needs organiser.

School Services Staff.

693. **Mr. Carey** asked the Minister for Education and Science if any scheme exists within her Department whereby a school (details supplied) in Dublin 11 will be assisted with additional funds to allow it to employ a full-time caretaker and full-time secretary; and if she will make a statement on the matter. [19153/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy receives funding under the ancillary services grant scheme towards the cost of secretarial and caretaking services.

The standard rate of grant per pupil under the scheme, which applies in the case of the school in question, was increased from €102 to €127 per pupil in 2004 and is being further increased to €133 per pupil this year. The scheme is flexible in nature, giving boards of management discretion as to the manner in which secretarial and caretaking services are provided.

This is the only scheme under which the school in question may receive funding for secretarial or caretaking services.

694. **Mr. Haughey** asked the Minister for Education and Science the guidelines in place for boards of management of primary schools employing full-time caretakers from the point of view of age; if such caretakers are obliged to retire at age 65; if she has received a submission from a school (details supplied) in Dublin 5 on behalf of its caretaker who wishes to remain on, in view of the fact that there is no one else available to fill the position; and if she will make a statement on the matter. [19159/05]

Minister for Education and Science (Ms Hanafin): Full-time caretakers employed under my Department's 1979 scheme who have been appointed since 1 August 1990 are obliged to retire on reaching the age of 65.

The school referred to by the Deputy employs a caretaker who is due to retire on 6 November 2005. A submission from the school was received by my Department on 1 March 2005. It requested that the caretaker be retained past his 65th birthday. A letter issued to the board of management of the school on 2 March 2005 from my Department advising it that the caretaker could be retained by the school until the end of the first school term of the 2005-06 school year.

School Staffing.

695. **Mr. Gregory** asked the Minister for Education and Science, further to Parliamentary Question No. 278 of 15 December 2004, if a decision has been made on the extension of the

sanction for the concessionary post referred to. [19160/05]

735. **Mr. Costello** asked the Minister for Education and Science the status and future of the concessionary teaching post at a school (details supplied) in Dublin 3; and if she will make a statement on the matter. [19438/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 695 and 735 together.

I am pleased to inform the Deputies that my Department is prepared to approve the concessionary post in question for the 2005-06 school year. The position will be reviewed for the 2006-07 school year.

696. **Mr. Healy** asked the Minister for Education and Science when funding will be approved for the operation of a school (details supplied) attached to the Central Technical Institute, Clonmel; when the necessary additional teaching staff will be approved to allow the coláiste to progress to its second year; and if she will make a statement on the matter. [19165/05]

Minister for Education and Science (Ms Hanafin): An application for capital funding from the school referred to by the Deputy was considered under the recent review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects were assessed in accordance with the published prioritisation criteria, which were revised last year following consultation with the education partners. Each project has been assigned a band rating and the progress of all projects, including that referred to by the Deputy, is being considered in the context of the school building programme from 2005 onwards.

With regard to the issue of teaching resources, teacher allocations to second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. Each school management authority is required to organise its teaching timetable and subject options having regard to pupils needs within the limit of its approved teacher allocation.

The rules for allocating teaching resources provide that where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department will consider applications for additional short-term support.

The school referred to by the Deputy, operates under the auspices of County Tipperary South Riding Vocational Education Committee. This authority applied for curricular concessions for the 2005-06 school year and following consideration of the application, my Department granted 3.69 wholtime equivalent teacher posts. An independent appeals committee is available to school authorities who wish to appeal the adequacy of their allocations. The VEC appealed

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to this committee and has been granted a further 1.50 whole-time equivalent posts. The committee operates independently of my Department and its decisions are final.

Youth Services.

697. **Mr. Healy** asked the Minister for Education and Science the position regarding the application by south Tipperary VEC for a person to be based in Fethard, County Tipperary, under the grant scheme for special projects for youth 2005; and if she will make a statement on the matter. [19166/05]

Minister for Education and Science (Ms Hanafin): A request for funding under the special projects for youth scheme has been received in my Department in relation to the project referred to by the Deputy. My Department is considering this request and all other applications made for youth work funding in 2005 having regard to the overall level of financial resources available for the youth sector. A decision will be given in this case as soon as possible.

School Staffing.

698. **Mr. Healy** asked the Minister for Education and Science if she will restore the supernumerary allocation of 2.5 posts to south Tipperary VEC to alleviate the difficulty arising from the closure of a school (details supplied); and if she will make a statement on the matter. [19167/05]

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. Each school management authority is required to organise its teaching time-table and subject options having regard to pupils needs within the limit of its approved teacher allocation.

The rules for allocating teaching resources provide that where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department will consider applications for additional short-term support.

Tipperary South Riding Vocational Education Committee applied for curricular concessions for the 2005-06 school year and following consideration of the application, my Department granted 3.69 whole-time equivalent teacher posts. In addition, the VEC has been allocated 1.98 whole-time equivalent posts to cater for Traveller and non-national pupils enrolled.

An independent appeals committee is available to school authorities who wish to appeal the adequacy of their teacher allocation. Tipperary South Riding VEC appealed to this committee and have been granted a further 1.50 whole-time equivalent posts. Decisions of the appeals committee are final.

School Staffing.

699. **Mr. O'Shea** asked the Minister for Education and Science if she considers that the recent changes which she announced in the weighted system for allocations for special needs children, whereby in large girls' schools, particularly those designated as disadvantaged, the ratio changed from two teachers to 400 to two teachers to 395, represent any real improvement; and if she will make a statement on the matter. [19171/05]

Minister for Education and Science (Ms Hanafin): My Department has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of clustering arrangements that may apply.

The general allocation model was constructed so that allocations would be based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard. Under the new model a new ratio has been introduced for small schools, with a lower appointment ratio for the first full post for each type of small school.

As differing pupil-teacher ratios apply to boys' schools, mixed schools and girls' schools, for the purposes of the general allocation system a small school in the case of boys' schools is defined as a school with fewer than 135 pupils; in the case of a mixed schools as a school with fewer than 145 pupils and in the case of a girls' school as a school with fewer than 195 pupils. Small boys' schools will now qualify for their first post at 100 pupils. Small mixed schools will qualify for their first post at 105 pupils. Small girls' schools will qualify for their first post at 150 pupils.

All allocations up to the point for the first full post will be made on a *pro rata* basis. If a small boys' school has just 50 pupils, for example, it will get 0.5 of a post. The allocations between the point of the first full post and the cut-off enrolment point for small schools will stay at one post, that is, a small boys' school with between 100 and 135 pupils will get one full post. These changes represent a substantial improvement for small schools on the original model.

The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. It is also the case of course that pupils with lower incidence special needs, such as autism, will continue to be catered for on an individual application basis.

My Department is finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended

that this circular will issue before the end of the current school year. It is also intended that this circular will address issues that have been raised by schools with my Department since the system was notified to schools in mid-May.

I am satisfied that the introduction of the new system will greatly benefit schools and the children in schools that need additional support.

School Surveys.

700. **Mr. O'Shea** asked the Minister for Education and Science the number of surveys and questionnaires which have been sent out to primary schools for completion and return in each of the past five years and to date in 2005; if the information obtained has been put to productive use; if the time spent by principals and teachers on these documents could be more usefully otherwise spent in the interests of teaching and learning; and if she will make a statement on the matter. [19172/05]

Minister for Education and Science (Ms Hanafin): The specific information requested by the Deputy is not readily available in my Department.

I am acutely aware of the administrative burden placed on schools and the effect this has on the workload of principals. I have started a process of review of the administrative burden imposed on schools arising from departmental and legislative requirements. I believe that we can collectively seek opportunities to ensure that this burden is kept to the minimum, consistent with achieving the worthwhile and indeed essential objectives of legislation in recent years.

The core purpose of the review I have set in motion is to focus sharply upon administrative processes and consequent administrative burdens which arise within the school as a result of regulations and-or departmental requirements and to consider what scope exists for alleviating these or having them performed in a more efficient and less demanding manner from the perspectives of the school.

Last March my Department wrote to the various representative bodies inviting them to consider where and in what way present processes can be improved upon. A number of responses have been received to date and officials of my Department have met several representative bodies on foot of these responses. The work is ongoing and I have no doubt meaningful solutions can be found in respect of this important issue.

Ministerial Travel.

701. **Mr. Allen** asked the Minister for Education and Science the most up-to-date information on her travels abroad for the St. Patrick's Day celebrations; the persons who travelled with her in her official party; the duration of the visit; and the total cost. [19196/05]

Minister for Education and Science (Ms Hanafin): I travelled to Philadelphia and New York for the St. Patrick's Day celebrations, accompanied by two persons in my party. The duration of the visit was nine days. The total cost of the trip has not yet been finalised but the amount paid to date by my Department is €10,283.95.

School Staffing.

702. **Mr. Neville** asked the Minister for Education and Science if she will review the decision to withdraw a teacher from a school (details supplied) in County Limerick under the new special education needs allocation; if this is in contravention of guarantees given on the matter; and if she will make a statement on the matter. [19200/05]

Minister for Education and Science (Ms Hanafin): The introduction of the new scheme for allocating resource teachers to schools to cater for pupils with high-incidence special needs, such as dyslexia, and those with learning support needs will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

Allocations are based on pupil numbers, while taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard. As the Deputy is aware, my Department has now issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of clustering arrangements that may apply.

The school in question currently has the services of one shared full-time resource teacher. The teacher is based in the school referred to by the Deputy and shared with two other schools. The school's entitlement under the general allocation system is 20 hours. The school has been placed in a new cluster arrangement with the introduction of the new model and, as a result, no longer remains the base school for the resource teacher.

I confirm to the Deputy that the school has submitted a proposal regarding a revision of the clustering arrangements that had been notified to it. The proposal involves retaining the resource teacher on a permanent basis in the school. My officials are examining the proposal and have discussed the matter with the school. My Department will be in further contact with the school authorities as quickly as possible.

Special Education Needs.

703. **Mr. O'Dowd** asked the Minister for Education and Science if extra resource hours will be allocated to a person (details supplied) attending a primary school in County Louth; and if she will make a statement on the matter. [19209/05]

Minister for Education and Science (Ms Hanafin): I confirm that the pupil referred to by the Deputy is in receipt of three and a half hours of resource teaching support per week. The Deputy may be aware that the National Council for Special Education, NCSE, which became operational on 1 January 2005, processes applications for special educational needs, SEN, supports. The NCSE will review decisions previously taken in respect of such cases on foot of a request from the school or a parent or guardian, when accompanied by relevant additional information which may not have been to hand at the time of the decision. The NCSE has outlined this process in its circular 01/05 which issued to all primary schools.

My officials have been in contact with the local special educational needs organiser, SENO, who has confirmed that an application was received to increase the number of hours of resource teaching support from three and a half hours to five hours per week. However, the SENO examined the application and has decided that the pupil in question does not meet the criteria for an increase in resource teaching hours. The decision has been communicated to the school authorities.

Schools Building Projects.

704. **Mr. N. O'Keefe** asked the Minister for Education and Science if a grant aid of €200,000 will be made available to a primary school (details supplied) in County Cork. [19225/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria. The project will be considered in the context of the school buildings and modernisation programme 2005-09.

705. **Mr. N. O'Keefe** asked the Minister for Education and Science the position regarding the provision of funding for the development of a new national school in a village (details supplied) in County Cork; if she will make this a priority and special case as the number of residents in the village has increased substantially over the past five years where pupil enrolments in the school will increase tenfold in the next year or two; if she is aware that the existing school building simply cannot accommodate such an increase. [19226/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria. The property management section of the Office of

Public Works, which acts on behalf of my Department in regard to site acquisitions generally, is exploring the possibility of acquiring a site for the school in question. When a site has been acquired, the project will be considered in the context of the school buildings and modernisation programme 2005-2009.

706. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the provision of an extension to a school (details supplied) in County Kerry; and if she will make a statement on the matter. [19235/05]

Minister for Education and Science (Ms Hanafin): The building project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised last year following consultation with the education partners. The project will be considered in the context of the school building and modernisation programme 2005-09.

In the interim, to alleviate accommodation difficulties at the school, the school authority has been given approval to rent a prefabricated mainstream classroom from September 2005. The rental cost will be grant-aided at 95% by my Department.

Special Educational Needs.

707. **Ms O'Sullivan** asked the Minister for Education and Science, further to Parliamentary Question No. 205 of 25 May 2005, if she will sanction an extra class at the language unit of a school (details supplied) in County Galway for which a classroom is currently available; and if she will make a statement on the matter. [19238/05]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that my Department has recently sanctioned an additional special class for pupils with specific speech and language disorder at the school in question. This decision has been conveyed verbally to the school management and written sanction will issue shortly.

School Staffing.

708. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the outrage and concern expressed by persons (details supplied) in County Galway concerning the suppression of a third mainstream teaching post in the school; if her attention has further been drawn to the fact that within the current school year the number has increased to 52 pupils; that the long-term projections show increased pupil numbers up to June 2010; if the third teacher will be appointed within nine months; that the school is participating in the Giving Children an Even Break programme for the disadvantaged; and if she will make a statement on the matter. [19247/05]

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 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 on 14 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.

School Accommodation.

709. **Mr. Ó Fearghail** asked the Minister for Education and Science the proposals being considered by her Department for the provision of accommodation at a school (details supplied) in County Kildare; the likely timescale for the delivery of this project; and if she will make a statement on the matter. [19259/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is in receipt of an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects which were revised following consultation with the education partners last year. Progress on the application is being considered in the context of the school building programme from 2005 onwards.

Special Educational Needs.

710. **Ms Lynch** asked the Minister for Education and Science the reason a full-time special needs assistant was withdrawn from a person (details supplied) in County Cork; and if she will make a statement on the matter. [19260/05]

Minister for Education and Science (Ms Hanafin): A review of the needs of the pupil referred to by the Deputy found that he no longer requires full-time individual SNA support and that his needs can be met through the sharing of a full-time SNA with another pupil in the school. This decision has been communicated to the school. Should the school wish to appeal this decision, it should contact its local special needs organiser, who has responsibility for processing applications for special education supports.

Juvenile Offenders.

711. **Mr. O'Connor** asked the Minister for Education and Science the funding allocated for the provision of spaces for young offenders; and if she will make a statement on the matter. [19272/05]

Minister for Education and Science (Ms Hanafin): There are five children detention schools under the aegis of my Department which provide residential care, education and rehabilitation for children, generally up to age 16 years, who have been convicted of an offence or remanded in custody by the courts. A total provision of €31.2 million has been provided in 2005 towards the day-to-day running of these schools.

School Transport.

712. **Mr. Connolly** asked the Minister for Education and Science the timescale for the elimination of the 3 for 2 seating arrangement on school buses; and if she will make a statement on the matter. [19311/05]

Minister for Education and Science (Ms Hanafin): The loading of all school buses is determined by the relevant sections of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations which are laid down by the Department of Transport.

The licensed carrying capacity of all vehicles engaged in school transport is based on a ratio of three pupils for every two adult seats, in accordance with relevant legislation. My Department has been in discussions with Bus Éireann with a view to phasing out the three for two arrangement over the next two or three years. Indeed, the discussions have been advanced to a stage where I can confirm that the necessary steps are now being taken to commence the general phasing out of this arrangement from next September.

The wearing of seat belts and the three for two rule are intrinsically linked, which means that school children who are travelling on buses equipped with seat belts from 9 May 2006 must be provided with a single seat and must use the seat belt.

My Department is examining various options with a view to phasing out the three for two seating arrangement as quickly as possible.

School Staffing.

713. **Mr. Connolly** asked the Minister for Education and Science if she will facilitate the establishment, in conjunction with the INTO of nationwide panels of supply teachers, located on a defined geographical basis, to cover release time for teaching principals, all approved teacher absences and EPV days; and if she will make a statement on the matter. [19312/05]

Minister for Education and Science (Ms Hanafin): A pilot supply teacher scheme services over 200 primary schools at present, which provides a panel of substitute teachers to fill in for teachers on sick leave and to undertake the teaching duties of principals when they are released from the classroom to undertake administrative, leadership and management functions. Any decision as to whether or not the additional supply panels should be put in place will take account of a review of the pilot scheme.

Traveller Education.

714. **Mr. Connolly** asked the Minister for Education and Science if she proposes to establish a Traveller education unit as recommended by the task force on Traveller education, to oversee the development of Traveller education strategies to ensure the maximum benefit by Travellers from education; and if she will make a statement on the matter. [19313/05]

Minister for Education and Science (Ms Hanafin): A joint working group drawn from the educational disadvantage committee and the advisory committee on Traveller education was established in autumn 2003 and is preparing a five-year Traveller education strategy. It is expected that a draft strategy from the joint working group will be completed by autumn 2005. Subsequently, the draft five year Traveller education strategy will be presented to me as a submission of the educational disadvantage committee.

The main focus of the Traveller education strategy process has been to review-evaluate existing activities, the wide range of inputs, the quality of outcomes and the experience of Traveller learners. One of the core issues it is addressing relates to how existing targeted educational support for Travellers might best be integrated, on a phased basis into an enhanced mainstream provision. The strategy will provide recommendations on the way forward in relation to Traveller education.

My Department is confident that its current approach of co-ordinating delivery of services by its various sections is the most appropriate way to provide Travellers with a quality education that takes cognisance of their culture and their educational needs.

Standardised School Year.

715. **Mr. Connolly** asked the Minister for Edu-

cation and Science her plans to renegotiate the arrangements for a standardised school year with the primary school education partners; and if she will make a statement on the matter. [19314/05]

Minister for Education and Science (Ms Hanafin): The matter of the standardised school year forms part of the modernisation programme for teachers under the terms of Sustaining Progress and was discussed and agreed by the parties at the teachers' conciliation council. Agreed arrangements are currently in place for the school years 2003-04 to 2006-07, inclusive. There is also provision for a review before spring 2007.

Capitation Grants.

716. **Mr. Connolly** asked the Minister for Education and Science her plans to increase capitation grants payable to primary school management authorities to a level that adequately reflect the costs of running modern well equipped schools in the 21st century; and if she will make a statement on the matter. [19315/05]

Minister for Education and Science (Ms Hanafin): Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges.

The capitation grant for primary schools has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from £45, €57.14, per pupil to €121.58 with effect from 1 January 2004 and has been further increased by €12 per pupil with effect from 1 January 2005 bringing the standard rate to €133.58. This represents an increase of almost 134% in the standard rate of capitation grant since 1997.

The latest increase in the level of capitation grant is a clear demonstration of my commitment to improve the financial position of primary schools. The question of increasing the rate of grant in the future will be considered in the context of available resources and priorities within the education sector.

School Staffing.

717. **Mr. Connolly** asked the Minister for Education and Science if she proposes to reduce the enrolment figures for appointment and retention of primary school teachers in view of the failure to improve primary school staffing schedules for mainstream teachers over the past four years; and if she will make a statement on the matter. [19316/05]

718. **Mr. Connolly** asked the Minister for Education and Science if she will ensure that when the appointment of a mainstream teacher in primary schools is warranted by the enrolment figures on 30 September of a given year, the

appointment should be filled immediately; and if she will make a statement on the matter. [19317/05]

719. **Mr. Andrews** asked the Minister for Education and Science the criteria which decides recommendations for class sizes in schools in the State. [19318/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 717 to 719, inclusive, together.

The staffing of a primary school for a particular school year is determined by reference to the enrolment in the school on 30 September of the previous school year. This is in accordance with guidelines agreed between my Department and the education partners. The guidelines can only be deviated from where a school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. There are no plans to change these arrangements.

The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. School authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and the smallest classes is kept to a minimum.

I have requested my Department's inspectorate to monitor the deployment of staff and class sizes, and where necessary, to discuss with school authorities the basis on which school policy decisions in this regard have been made, and to report to my Department, where appropriate.

Significant improvements have been made in the pupil teacher ratio and in average class size in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil-teacher ratio, which includes all the teachers including resource teachers, 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. In allocating teaching posts regard has been had to the commitments of the Government to reduce class size, tackle educational disadvantage and to provide additional resources for pupils with special educational needs. The additional teaching posts created since 1997 have been deployed to address all of these priorities.

The Deputies will be aware that a review of the allocation system of teaching support for pupils with special educational needs was recently completed. Arising from that review a new model has been introduced to replace that which was notified to schools in June 2004. The introduction of this new system will involve the provision of an

estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. The new system will greatly benefit schools and the children in schools that need additional support.

The Deputies will also be aware of the new action plan for educational inclusion, DEIS, delivering equality of opportunity in schools, which I launched recently. This action plan will result in reduced class sizes in schools serving the most disadvantaged communities to 24:1 at senior level and 20:1 at junior level.

In line with Government policy, my Department will continue to provide further reductions in the pupil teacher ratio 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.

Adult Education.

720. **Mr. McGuinness** asked the Minister for Education and Science the funding being allocated to provide for adult computer education and training in 2005. [19319/05]

Minister for Education and Science (Ms Hanafin): My Department does not allocate funding specifically for adult computer education and training. Programmes within the further and adult education sector, funded by my Department, are operated and managed primarily by the vocational education committees. My Department's provision in 2005 for these programmes is approximately €180 million which is an increase of approximately 8% over the 2004 figure.

All full-time vocational education and training programmes in the further and adult education sector integrate new technology skills into their core programme, allied with literacy-numeracy, communications, general education and a range of vocational options. The target groups are early school leavers, unemployed adults, young people who have just completed upper second level education, and adults returning to full time learning.

Special Educational Needs.

721. **Ms O'Sullivan** asked the Minister for Education and Science her plans to change from permanent to temporary employment for many special needs teachers as a result of the weighted system for special education as it affects teachers who had been assigned to children with low incidence disability and teachers with restricted recognition; and if she will make a statement on the matter. [19335/05]

722. **Ms O'Sullivan** asked the Minister for Education and Science if her Department will ensure that where possible schools will retain the staff

[Ms O'Sullivan.]
they have for special needs support rather than having to employ different teachers for high incidence and low incidence special needs children, in some cases clustered with other schools; and if she will make a statement on the matter. [19336/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 721 and 722 together.

As the Deputy may be aware my Department has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of any clustering arrangements that may apply. One of the objectives of the general allocation model is to maximise the extent of full-time permanent posts available to support the needs of pupils with higher-incidence special educational needs, SEN, and learning support teacher requirements. Clustering facilitates the assignment of experienced teachers as well as allowing for better training of resource teachers on the basis that permanent posts will retain teachers for longer periods. This ultimately benefits the pupils. To this end, schools, particularly those with small enrolments, have been grouped in clusters where possible.

Part-time hours have been provided to schools in cases where it was not possible to form a cluster of general allocation hours. Schools that have been allocated part-time permanent hours may be aware of a local school with part-time permanent hours that when combined could form a full-time permanent post. It is open to any such schools wishing to form a cluster by combining these hours to contact my Department's special education section in writing with details of their proposal. It should be noted that these arrangements apply to staffing associated with the general allocation model only.

Where it is not possible for schools to form permanent posts under the general allocation model, such schools may, for the purposes of creating temporary full-time posts, form clusters to combine permanent part-time hours allocated under the general allocation model with hours allocated for individual children with low incidence disabilities, or transitional hours retained for children with high incidence disabilities. Again, any schools wishing to form such temporary full-time posts should contact my Department's special education section in writing with details of their proposal. This arrangement will apply for the 2005-06 school year only and is being facilitated on the understanding that, as pupils with an individual allocation of hours leave the school at the end of that school year, the full-time temporary posts will be adjusted to the appropriate reduced level of part-time hours. Responsibility for filling any additional posts which may be created using the above arrangements rests with the management authorities of the relevant schools in line with Department procedures.

Schools have been advised that where they currently have a permanent resource teacher and where they have adequate hours to warrant the continuation of a full-time post through a combination of general allocation hours and-or low incidence hours and-or transitional hours for the coming school year, they may retain the existing teacher for the school year without the status of the teacher having to change.

My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue before the end of the current school year. It is also intended that this circular will address issues that have been raised by schools with my Department since the system was notified to schools in mid-May.

Schools Refurbishment.

723. **Mr. Ring** asked the Minister for Education and Science her plans to renovate and extend a school (details supplied) in County Mayo. [19378/05]

Minister for Education and Science (Ms Hanafin): My Department introduced a new initiative called the summer works scheme, SWS, in 2004 which provides capital grants for small-scale improvement works, including roof repair and the upgrading of toilet facilities at both primary and post-primary schools. Where the scope of the works required is too extensive to be carried out under SWS it is open to schools to make application for inclusion in the school building programme. However, the scope of the works referred to by the Deputy is appropriate for consideration under the summer works scheme.

The school in question did not make an application for funding under the summer works scheme for 2005. Details of the 2006 summer works scheme will be announced shortly and it is open to the school authority to make an application for the necessary works at that time.

The school concerned also has a building project which has been assessed in accordance with the published prioritisation criteria which was revised last year following consultation with the education partners. This project will be considered in the context of the school building and modernisation programme 2005-2009.

Schools Building Projects.

724. **Mr. Neville** asked the Minister for Education and Science the position regarding the construction of a new primary school at Adare, County Limerick. [19379/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that, as part of the 2004 devolved initiatives, the board of management of Adare national school was allocated funding for the provision of additional accommodation. The school authority is managing this project on a devolved basis and I under-

stand that a decision on planning permission from the local authority is expected shortly.

School Transport.

725. **Ms M. Wallace** asked the Minister for Education and Science the number of primary school buses which have seat belts fitted to them; the number of post primary school buses which have seat belts fitted to them; if she will report on the work in progress within her Department in relation to the seat belt on school buses issue; and if she will make a statement on the matter. [19395/05]

726. **Ms M. Wallace** asked the Minister for Education and Science the number of school buses operated by Bus Éireann; the number of school buses operated by private operators; the number of Bus Éireann school buses that operate under the three for two seat rule; the number of privately operated buses that operate under the three for two seat rule; if she will report on the proposal within her Department to phase out the three for two seat rule to ensure that every eligible child attending post primary school will have a seat on a school bus; the proposals in her Department to ensure that every eligible primary school child will have a seat on a school bus; and if she will make a statement on the matter. [19396/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 725 and 726 together.

Bus Éireann has advised my Department that the number of buses with seat belts is 1,539 and without seat belts is 1,493. These figures relate to a census undertaken by Bus Éireann in October 2004 and are the most current accurate figures available. A breakdown of figures between primary and post-primary is not available.

About 20% of the 3,000 vehicles used for school transport are owned by Bus Éireann and the remaining 80% are owned by private operators on contract to Bus Éireann. In the region of 138,000 children are carried each day on school transport, including about 8,000 children with special needs. It is estimated that between 12% and 14% are carried under the three for two rule.

My Department has been in discussions with Bus Éireann with a view to phasing out the three for two arrangement over the next two or three years. The discussions have been advanced to a stage at which it is possible to confirm that the necessary steps are now being taken to commence the general phasing out of this arrangement from next September. The abolition of the three for two seating arrangements will be phased out over the next two to three years. The wearing of seat belts and the three for two rule are intrinsically linked.

Special Educational Needs.

727. **Mr. P. Breen** asked the Minister for Education and Science the current number of special needs assistants in primary schools in County Clare; the number to be allocated in September 2005; and if she will make a statement on the matter. [19397/05]

Minister for Education and Science (Ms Hanafin): There are currently 219 special needs assistants, SNAs, employed in 79 primary schools in County Clare and paid salary on my Department's payroll. The Deputy may be aware that the National Council for Special Education, NCSE, which became operational on 1 January 2005, now processes applications for special educational needs, SEN, supports. At this stage, the NCSE has dealt with all new applications from schools for SNA assistance that will be required from the beginning of September 2005. Therefore, there should be no reason a child enrolling in a school in September 2005 who needs SNA assistance does not have that assistance in place from his-her first day in school. The recruitment of SNAs is a matter for individual boards of management and it is not possible to indicate at this stage the numbers to be allocated in September 2005.

This Government has put in place an unprecedented level of support for children with special needs. Indeed, since 1998, the number of SNAs has increased from under 300 to nearly 6,000 nationally. Where it has been established that additional SNA posts are required, these posts are continuing to be allocated on an ongoing basis.

728. **Mr. P. Breen** asked the Minister for Education and Science the current number of special needs assistants in primary schools in the State; the number to be allocated in September 2005; and if she will make a statement on the matter. [19398/05]

729. **Mr. P. Breen** asked the Minister for Education and Science if she will report on the assessment criteria for assigning special needs assistants; the assessment criteria prior to 2004; the notice which special needs assistants receive if their services are no longer required; and if she will make a statement on the matter. [19399/05]

730. **Mr. P. Breen** asked the Minister for Education and Science the provision which is made for children with mild learning difficulties to receive attention from special needs assistants; and if she will make a statement on the matter. [19400/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 728 to 730, inclusive, together.

There are 6,314 special needs assistants, SNAs, in place in primary schools. SNAs are assigned to schools to meet the care needs of individual

[Ms Hanafin.] children, including those with mild general learning disabilities, who have been assessed by a psychologist as needing this type of support. There has been no change to the criteria or guidelines for allocating SNA support to schools and there are no plans to review the criteria or guidelines under which SNA support is allocated.

Applications for SNA support are now dealt with by the National Council for Special Education which processes all applications for support from schools and communicate the decisions directly to the schools. At this stage, the council has dealt with all new applications from schools for SNAs that will be required from the beginning of September 2005.

My Department is engaged in discussions with the trade union representing SNAs, under the auspices of the Labour Relations Commission, on a number of issues relating to the employment of SNAs, including the questions of a redundancy package for SNAs who are now surplus to the needs of a school, retention of experienced SNAs within the system and standard contracts for SNAs. In the circumstances it would not be appropriate for me to comment specifically on any of these issues.

The Deputy will be aware that this Government has put in place an unprecedented level of support for children with special needs. Indeed, since 1998, the number of SNAs has increased from under 300 to more than 6,300 nationally. In addition to this, more effective systems, such as the establishment of the National Council for Special Education, have been put in place to ensure that children get support as early as possible.

Schools Building Projects.

731. **Mr. P. Breen** asked the Minister for Education and Science the status of an application for a major capital works project for a school (details supplied) in County Clare; if a technical examination of the site will be carried out to make recommendations for further development of the school; and if she will make a statement on the matter. [19403/05]

Minister for Education and Science (Ms Hanafin): The application from the school to which the Deputy refers was received in the school planning section of my Department in February 2005. The application 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.

School Staffing.

732. **Mr. F. McGrath** asked the Minister for Education and Science if she will assist a school (details supplied) in County Cork in resolving a

staffing issue before 7 June 2005; and if she will give the maximum support in retaining a teacher. [19408/05]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on the 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 a principal and five mainstream class teaching posts. This is based on an enrolment of 148 pupils at 30 September 2003. The school also has the services of a learning support post and a full time resource post. The mainstream staffing of the school for the 2005-06 school year will consist of a principal and four mainstream class teaching posts. This is based on an enrolment of 144 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 on 14 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.

The school in question has indicated that it may have sufficient hours allocated in respect of pupils with low incidence special needs to warrant an additional resource teaching post. In order to establish if the school has an entitlement to a post, it is open to the school to submit a proposal giving details as to how the post may be created. No such proposal has been received in my Department to date.

Schools Building Projects.

733. **Mr. Ring** asked the Minister for Education and Science when funding will be provided for the extension to a school (details supplied) in County Mayo. [19430/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. The building project is at an advanced stage of architectural planning — stage 4-5, detail design-bill of quantities. The stage submission is with the Department and

will be assessed by the Department's staff in due course. When this analysis is complete the school building section will be in contact with the school authorities. A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

734. **Cecilia Keaveney** asked the Minister for Education and Science the position regarding a school building (details supplied) in County Donegal; and if she will make a statement on the matter. [19437/05]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of an application for improved accommodation from the authorities of the school referred to by the Deputy. The application has been assessed in accordance with the published prioritisation criteria, which was revised last year following consultation with the education partners. The project will be considered in the context of the school building and modernization programme for 2005 to 2009.

Question No. 735 answered with Question No. 695.

Special Educational Needs.

736. **Mr. Ring** asked the Minister for Education and Science the breakdown of the resource teacher allocation for the years 2003, 2004 and 2005; and the schools in County Mayo which were allocated resource teachers and resource hours. [19447/05]

Minister for Education and Science (Ms Hanafin): The specific information requested by the Deputy is not available. However, I can confirm that the number of resource teaching posts in primary schools nationally has grown from fewer than 200 in 1999 to approximately 2,600 at present.

The Deputy will be aware of the new general allocation system for pupils with high incidence special needs such as dyslexia, mild and borderline general learning disability as well as those requiring learning support. The introduction of this new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. Pupils with lower incidence special needs, such as autism, will continue to be catered for on an individual application basis.

Departmental Correspondence.

737. **Mr. G. Mitchell** asked the Minister for

Education and Science the steps taken by an official of her Department (details supplied); the progress made; and if she will make a statement on the matter. [19448/05]

Minister for Education and Science (Ms Hanafin): The various issues relating to schools are dealt with by separate sections of my Department so I would be grateful if the Deputy could write to me with further information on the specific issue relating to this school on which he would like an update, so that a response can be supplied without delay.

Question No. 738 answered with Question No. 669.

Schools Building Projects.

739. **Mr. Bruton** asked the Minister for Education and Science if she is aware that development plans for a school (details supplied) in Dublin 5 appear to require that a pre-school service on the site be served a notice to quit; and if she will investigate solutions to allow this facility to continue in the context of the new plan. [19459/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy is listed among the 122 large-scale projects on the current school building programme for moving to tender and construction over the next 12 to 15 months. The project is for the refurbishment of the existing accommodation and an extension consisting of classrooms and general-purpose rooms for the three primary schools on this site.

I understand that due to rising enrolments the board of management of the school in question is no longer in a position to accommodate a pre-school facility in its school building. I further understand that the management of the pre-school facility has been advised of this position. The use of school facilities for such purposes is ultimately a matter for the school authority.

Schools Refurbishment.

740. **Mr. Wall** asked the Minister for Education and Science if she will allocate funding to improve the facilities at a school (details supplied); her views on whether it is fair to have children at the current facilities and to have a playground at the school that is too old and too dangerous to use; her further views on whether it is acceptable that disadvantaged children use prefabs; and if she will make a statement on the matter. [19462/05]

Minister for Education and Science (Ms Hanafin): An application for major capital funding for the school to which the Deputy refers was assessed in accordance with the published prioritisation criteria for large scale building projects, which were revised last year following consultation with the education partners. Under this

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review all projects were assigned a band rating and the progress of individual projects is currently being considered in the context of the school building programme from 2005 onwards.

The Deputy will be aware that I have made a number of announcements on the 2005 school building programme since the beginning of the year. In April I announced details of 43 school projects, which are being authorised to proceed to architectural planning immediately. I will be making further announcements on projects, which will progress on a phased basis into the architectural planning process in the next 12 to 15 months. The proposed project at the school in question will be considered in this context.

In the meantime, it is open to the school authority to apply for funding under the summer works scheme to address any issues surrounding its play area. I will be publishing details of the scheme for 2006 later this year.

School Staffing.

741. **Mr. McHugh** asked the Minister for Education and Science if she will review the decision to reduce teacher numbers by one teacher at a school (details supplied) in County Galway; and if she will make a statement on the matter. [19463/05]

762. **Mr. Naughten** asked the Minister for Education and Science if, given that a school (details supplied) has an enrolment for 2005-06 to retain its current complement of staff no teacher will be lost from the school due to its 2004 enrolment; and if she will make a statement on the matter. [19697/05]

765. **Mr. F. McGrath** asked the Minister for Education and Science if a school (details supplied) in County Galway will not lose a teacher; if flexibility regarding disadvantaged status will be shown to the school; if a concessionary teacher scheme will be employed at the principal's discretion; and if the school will be given the maximum support and assistance. [19783/05]

779. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the huge damage that will be done if a school (details supplied) in County Galway is denied one of its four teachers due to a very temporary reduction in enrolment figures for September 2004; if her attention has further been drawn to the fact that the projected enrolment figures for September 2005 will result in this school returning to a six-teacher school and that this reduction will put intolerable pressure on the existing teachers; and if she will make a statement on the matter. [19860/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 741, 762, 765 and 779 together.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on the 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 a principal and three mainstream class teaching posts. This is based on an enrolment of 85 pupils at 30 September 2003. The school also has the services of a learning support post based in the school and a full time resource post. The mainstream staffing of the school for the 2005-06 school year will consist of a principal and two mainstream class teaching posts. This is based on an enrolment of 76 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 on 14 June. The board of management will be notified of the outcome of the appeal as soon as possible thereafter. I am sure the Deputies will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeals board.

The school to which the Deputies refer is included in the rural dimension of my Department's giving children an even break programme aimed at combating educational disadvantage. The school has the services of a rural co-ordinator and additional financial resources to provide educational supports to be targeted at disadvantaged pupils. The new action plan for educational inclusion, DEIS — Delivering Equality of Opportunity in Schools — which I launched recently, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build upon, a number of existing interventions for schools with a concentrated level of disadvantage. 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.

A key element of this new action plan is the better identification of levels of disadvantage in our schools, which will result in improved targeting of resources at those most in need. The first stage of the identification process, which is being conducted on behalf of my Department by the Educational Research Centre, is already underway. Questionnaires issued to all main-

stream primary schools and were due to be returned to the ERC by 31 May 2005. The identification process is being supported by an advisory group which includes representation from the INTO and the Irish Primary Principals' Network.

Approximately 600 primary schools comprising 300 urban and town, and 300 rural schools, and 150 post primary schools will be included in the school support programme. Existing schemes and programmes will be integrated into the school support programme on a phased basis over the implementation period.

Disadvantaged Status.

742. **Mr. McHugh** asked the Minister for Education and Science if an assessment will be carried out with a view to giving designated disadvantage school status to a school (details supplied) in County Galway; and if she will make a statement on the matter. [19464/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers is included in the rural dimension of my Department's giving children an even break programme aimed at combating educational disadvantage. The school has the services of a rural co-ordinator and additional financial resources to provide educational supports to be targeted at disadvantaged pupils.

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support programme on a phased basis over the implementation period.

Special Educational Needs.

743. **Mr. Wall** asked the Minister for Education and Science her plans to standardise contracts within the educational system for SNAs; and if she will make a statement on the matter. [19537/05]

744. **Mr. Wall** asked the Minister for Education and Science the number of SNA contracts that have not been renewed in each of the past three years; the reason for such a decision; and if she will make a statement on the matter. [19538/05]

745. **Mr. Wall** asked the Minister for Education and Science if her attention has been drawn to the major concerns of SNAs within the educational system in regard to the erosion of their terms and conditions; her plans to address their concerns; and if she will make a statement on the matter. [19539/05]

746. **Mr. Wall** asked the Minister for Education and Science the guidelines her Department uses to allocate SNAs; her plans to review such guidelines; and if she will make a statement on the matter. [19540/05]

747. **Mr. Wall** asked the Minister for Education and Science if her attention has been drawn to the fact that due to the current system adopted in regard to SNAs that the educational system is losing experienced SNAs and that the loss of such is creating problems for children with special needs entering the main stream of education; her plans to change the system; and if she will make a statement on the matter. [19541/05]

748. **Mr. Wall** asked the Minister for Education and Science the criteria or guidelines used to reduce hours allocated to special needs children for SNAs; and if she will make a statement on the matter. [19542/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 743 to 748, inclusive, together.

Special needs assistants, SNAs, are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. No change has been made to the criteria or guidelines for allocating SNA support to schools and I have no plans to review the criteria or guidelines under which SNA support is allocated. Applications for SNA support are now dealt with by the National Council for Special Education, which processes all applications for support from schools and communicates the decisions directly to the schools.

However, to ensure that resources are used in the most effective manner, a review has been conducted in recent months to establish whether primary schools have the level of SNA support

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they need for children in their care, whether they have resources which they no longer need or whether they need extra resources.

The review has found that some schools no longer have the care needs for which the SNA was originally sanctioned — in some cases the child may have left the school while in other cases the care needs of the child have diminished as the child has progressed through the school. In this regard, the schools where surplus SNA support was identified have been advised that they may retain this surplus until the end of the current school year.

My Department is engaged in discussions with the trade union representing SNAs, under the auspices of the Labour Relations Commission, on a number of issues relating to the employment of SNAs, including the questions of a redundancy package for SNAs who are now surplus to the needs of a school, retention of experienced SNAs within the system and standard contracts for SNAs. In the circumstances it would not be appropriate for me to comment specifically on any of these issues.

However, no erosion in the terms and conditions of SNAs has taken place. It has always been the case that where the care needs of a child no longer justify SNA support, that support should no longer be available to the school. The Deputy will be aware that the Government has put in place an unprecedented level of support for children with special needs. Since 1998, the number of SNAs has increased from fewer than 300 to nearly 6,000 nationally. In addition, more effective systems, such as the establishment of the National Council for Special Education, have been put in place to ensure that children get support as early as possible.

Schools Refurbishment.

749. **Dr. Upton** asked the Minister for Education and Science if assistance will be given to a school (details supplied) in obtaining a new physical education hall via a prefabricated building system; and if she will make a statement on the matter. [19543/05]

Minister for Education and Science (Ms Hanafin): A proposal has been received from the school to which the Deputy refers for a general purpose room. This application is under consideration in the school planning section of my Department in the context of the school buildings and modernisation programme from 2005 onwards.

Special Educational Needs.

750. **Mr. Stanton** asked the Minister for Education and Science if she will make extra resource teacher hours available to a person (details supplied) in County Cork from September 2005;

and if she will make a statement on the matter. [19546/05]

Minister for Education and Science (Ms Hanafin): The application for special educational teaching support for the pupil concerned was referred to the local special educational needs organiser, SENO, for determination. The SENO examined the application and expressed the opinion that as the pupil's special educational needs appear to be within the high incidence disability category, her needs will be catered for under the general allocation scheme that I recently announced.

Under the new scheme the pupil's school has been allocated a level of resource teaching hours based on the number of children in the school. These hours are allocated to the school specifically to meet the needs of pupils such as the one referred to by the Deputy. It is up to the school to use its professional judgment to decide how these hours are divided between different pupils to ensure that all their needs are met. Research shows that some children with special needs will respond better with one-to-one tuition while others do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The type of response needed depends on the child. The school will decide which type of support is best suited to this pupil.

The introduction of the new scheme is being underpinned by the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system. My Department has now issued a letter to all primary schools notifying them of their teaching allocation under the general allocation model for the 2005-06 school year. That letter also includes any details of any clustering arrangements that may apply. It is a matter for the school the pupil is attending to make arrangements to provide teaching support to all pupils who qualify for such support from its general allocation, including this pupil.

751. **Mr. Stanton** asked the Minister for Education and Science if she has received a psychological assessment and a referral by an optometrist and a consultant optician with reference to a person (details supplied); if she will make extra resource teacher and learning support available to this person; and if she will make a statement on the matter. [19547/05]

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 has been

operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports. My Department officials have been informed by the NCSE that the matter has been referred to the local special educational needs organiser, SENO. The SENO is currently examining whether the pupil referred to by the Deputy is entitled to individual resource teaching support in respect of a low incidence disability. The school authorities will be notified directly of the outcome.

School Transport.

752. **Ms Cooper-Flynn** asked the Minister for Education and Science the reason a person (details supplied) in County Mayo was refused free school transport despite holding a medical card. [19580/05]

Minister for Education and Science (Ms Hanafin): A report on this case has been requested from the transport liaison officer of County Mayo VEC. The Deputy will be advised of the position when the report has been received and assessed.

Schools Amalgamation.

753. **Mr. Deasy** asked the Minister for Education and Science if the amalgamation of schools (details supplied) in County Waterford will be sanctioned; if a new greenfield site has been identified for the proposed amalgamated schools; if the proposed new school is being built under the public private partnership; the terms and conditions of this arrangement; and if she will make a statement on the matter. [19585/05]

Minister for Education and Science (Ms Hanafin): My Department welcomes the proposed amalgamation of the schools to which the Deputy refers and it has instructed the OPW, which acts on its behalf in site acquisitions generally, to explore the possibility of acquiring a site to facilitate the new school. The school's accommodation needs will be considered in the context of the school building programme for 2005 to 2009.

School Staffing.

754. **Ms O'Sullivan** asked the Minister for Education and Science if she will correct the mistaken enrolment figure for a school (details supplied) in County Tipperary which is 360 on 30 September 2003, not 343 as in the Department's records; if this matter will be rectified as soon as possible; if Nenagh primary school will get the allocation of special needs education teachers it requires; and if she will make a statement on the matter. [19600/05]

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. Therefore the enrolment figure used for this school for the purpose of the general allocation system was the correct one. This position was confirmed in my Department's letter of 18 May, which issued to all schools. However, the school has forwarded a submission to my Department regarding the possible creation by it of an additional temporary resource teaching post. This submission is being considered by my Department and a decision will be conveyed to the school authorities as soon as possible.

Grant Payments.

755. **Mr. Stanton** asked the Minister for Education and Science the number of third level grants paid out by the city councils, county councils and vocational education committees in 2003, 2004 and to date in 2005; the total amount paid out for such grants in each academic year; and if she will make a statement on the matter. [19619/05]

Minister for Education and Science (Ms Hanafin): My Department offers grant assistance under four student maintenance grant schemes. Three schemes are in respect of third level students and one scheme relates to post-leaving certificate students. Statistical data in respect of the number of grant-holders under the student maintenance grant schemes is compiled on the basis of academic years. With regard to expenditure, allocations are made and details compiled on the basis of financial years.

The number of grant-holders in the 2003-04 academic year under each of the four schemes is outlined in the following tables for the Deputy's information. Final figures in respect of the 2004-05 academic have not yet been compiled.

The local authorities and vocational education committees, VECs, administer the schemes on behalf of my Department. These bodies accept completed grant application forms, assess the eligibility of grant applicants with reference to the terms and conditions prescribed in the schemes and award grant assistance, where appropriate. Expenditure under the Schemes is recouped by the local authorities and VECs from my Department. The amounts recouped to the paying authorities in respect of expenditure in the 2003 and 2004 financial years are also outlined for the Deputy's information.

A total of €208.9 million has been allocated in respect of the schemes for the 2005 financial year. For the period from January to end of May, 2005 a total of €83.9 million was recouped to the paying authorities in respect of expenditure under the schemes.

Number of grant-holders and expenditure under three third level maintenance grant schemes.

Scheme	HEG	VEC	TLT	PLC	Total
Nos. 2003/04	26,355	7,819	14,226	7,682	56,082

Scheme	HEG	VEC	TLT	PLC	Top-up	TOTAL
Expenditure 2003	€79m	€20.6m	€40.2m	€13.2m	€12.5m	€165.5m
Expenditure 2004	€95.3m	€25.9m	€43.5m	€17.4m	€20.8m	€202.9m

HEG: higher education grant scheme.

VEC: vocational education committees' scholarship scheme.

TLT: third level maintenance grant scheme for trainees.

PLC: maintenance grant scheme for students attending post leaving certificate courses.

Top-up: special rate of maintenance grant payable to eligible grant-holders in receipt of "ordinary" rate of grant.

School Transport.

756. **Mr. Aylward** asked the Minister for Education and Science the progress to date on the application for school transport for children residing in the Barracore and Doninga areas of County Kilkenny who are now attending Borris vocational school following the closure of St. Bridgid's secondary school in Goresbridge. [19630/05]

Minister for Education and Science (Ms Hanafin): My Department is in a position to sanction school transport for the eligible pupils from the Barracore and Doninga areas subject to the usual conditions of the school transport scheme. Bus Éireann has been advised of my Department's decision and the necessary arrangements will be made by its local office prior to the commencement of the 2005-06 school year.

Teaching Qualifications.

757. **Mr. McGinley** asked the Minister for Education and Science the total cost of the programme of in-service for the physical sciences leaving certificate chemistry and physics including trainer, teacher, education centre expenses and resources which was based in the Limerick education centre from September 1999 to August 2003. [19646/05]

Minister for Education and Science (Ms Hanafin): The physics and chemistry support service was established in 1999 as part of the physical sciences initiative. Limerick education centre supported the administration of this programme until the intensive phase of in-service was completed in August 2003.

The operational cost of this programme from 1999 to 2003 was €2,257,572, which was allocated by my Department through the Limerick education centre. In addition, secondment and substitution costs associated with the physics and chemistry support service, which were met centrally, are estimated to be in the region of €2.24 million.

Although the intensive phase of support for the revised syllabi for leaving certificate physics and

chemistry was completed in August 2003, my Department continues to provide a programme of professional development in these areas through the second level support service, SLSS, which is based in Blackrock education centre.

Inservice Training.

758. **Mr. McGinley** asked the Minister for Education and Science the total cost of the programme of inservice for leaving certificate biology, including trainer, teacher, education centre expenses and resources which was based in the Tralee education centre from September 2000 to August 2004. [19647/05]

Minister for Education and Science (Ms Hanafin): The national biology support service was established in January 2001. The operational cost of the programme from January 2001 to August 2004 was €1,645,611, which was allocated by my Department through the Tralee Education Centre. In addition, secondment and substitution costs associated with the programme, which were met centrally, are estimated to be in the region of €1,500,000.

Although the intensive phase of support for the revised syllabus for leaving certificate biology has now been completed, my Department continues to provide a programme of curriculum implementation support and professional development in this area through second level support service, or SLSS. Although the SLSS is based in Blackrock education centre, Tralee education centre continues to support the administration of the biology programme.

759. **Mr. McGinley** asked the Minister for Education and Science the cost to date of the programme of inservice for junior certificate, including trainer, teacher, education centre expenses and resources which is based in the Sligo education centre. [19648/05]

Minister for Education and Science (Ms Hanafin): I assume the Deputy is referring to the junior certificate science support service which is

based in Sligo education centre. The operational cost to date of this programme of in-service is €775,000 which was allocated by my Department through the Sligo education centre. In addition, secondment and substitution costs associated with the junior certificate science support service, which are met centrally in the Department, are estimated to be in the region of €700,000.

State Examinations.

760. **Cecilia Keaveney** asked the Minister for Education and Science if concessions are given to students who become ill while sitting the junior and leaving certificate examinations; and if she will make a statement on the matter. [19679/05]

Minister for Education and Science (Ms Hanafin): Following a Government decision, the then Minister for Education and Science formally established the State Examinations Commission on 6 March 2003. The commission now has statutory responsibility for operational matters relating to the certificate examinations.

Within the limitations of our examination system, every possible effort is made by the commission to accommodate candidates who suffer illness, bereavement or other trauma either immediately before or during the examinations. Each year, arrangements are made to cater for a wide range of emergencies. These include alterations to the standard examination timetable and special sittings in venues such as hospitals. The National Educational Psychological Service also assists schools and students in crisis situations during examinations.

School Enrolments.

761. **Mr. Wall** asked the Minister for Education and Science her views on whether her actions in delaying the relocation of a school (details supplied) in County Kildare on the basis of falling enrolment numbers were justified in view of the fact that enrolment numbers fell by two in the past year; if enrolment numbers will rise in September 2005, if the delay and feasibility study will be cancelled; her further views on the schools to which the huge numbers of persons who move to Athy for commuter purposes will send their children; her further views on whether it would be wise to push ahead with the redevelopment when taking into account the population increases; and if she will make a statement on the matter. [19695/05]

769. **Mr. Wall** asked the Minister for Education and Science her plans regarding the relocation of a school (details supplied) in County Kildare; when a site was purchased; if she was sure it would go ahead at the time; if she envisaged any difficulties; her views on the action which should be taken with the site now; and if she will make a statement on the matter. [19791/05]

775. **Mr. Wall** asked the Minister for Education and Science to outline her plans regarding the relocation of a school (details supplied) in County Kildare; her views on the action which should be taken with the site; and if she will make a statement on the matter. [19843/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 761, 769 and 775 together.

The building project for the school referred to by the Deputy is at an early stage of architectural planning. However, due to a significant and unexpected decline in enrolments since the building project was first planned 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 project to progress through architectural planning until a complete review of the long-term viability of the school has been carried out. This is normal practice in circumstances should as this. The review is currently underway in the school planning section of my Department and officials will be in contact with the school authority shortly in the matter.

Question No. 762 answered with Question No. 741.

Schools Building Projects.

763. **Mr. Naughten** asked the Minister for Education and Science further to Parliamentary Question No. 1260 of 26 January 2005, the progress to date on the application; and if she will make a statement on the matter. [19705/05]

Minister for Education and Science (Ms Hanafin): The 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 2005-09.

764. **Mr. Crowe** asked the Minister for Education and Science her plans to build a permanent school for the pupils and teachers of a school (details supplied) in County Mayo. [19782/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy opened in September 1996 with provisional recognition. Having met the criteria for recognition and proven its viability, the school was granted permanent recognition in 2000. Standard practice is that the school authorities are responsible for the securing of interim accommodation which is grant-aided by the Department, pending the securing of permanent recognition. On being granted permanent recognition, a school becomes eligible for capital funding. The rate of progress towards a permanent accommodation solution depends on a number of factors including avail-

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ability of sites and the Department's budgetary capacity to meet the level of demand.

The school is currently accommodated in pre-fabricated classrooms on a three quarter acre site in the town. The rental costs of the site and classroom accommodation is grant-aided by my Department at the rate of 95%. My Department is advised that the lease on the site is due to expire in June 2006. My Department is acutely aware of the urgent need for an accommodation solution for this school particularly given the limitations on the existing arrangement and the Department is doing its utmost to achieve a satisfactory outcome at the earliest possible date.

The property management section of the Office of Public Works has been actively engaged in seeking a suitable site for a new school building. Soil sampling is being undertaken to verify the suitability of a particular site. The result of the tests and final assessment of site suitability is expected to be concluded and with my Department in a week or two.

Question No. 765 answered with Question No. 741.

School Staffing.

766. **Ms O'Sullivan** asked the Minister for Education and Science the number of second level teachers appointed to permanent whole time positions during 2004 or for the latest year for which figures are available; and if she will make a statement on the matter. [19788/05]

Minister for Education and Science (Ms Hanafin): The number of second level teachers appointed to permanent whole time positions in secondary and community or comprehensive schools during 2004 was 573.

Teachers' Remuneration.

767. **Ms O'Sullivan** asked the Minister for Education and Science if teacher representatives are paid for their membership of the Teaching Council; if simply expenses are paid; and if she will make a statement on the matter. [19789/05]

Minister for Education and Science (Ms Hanafin): Teacher representatives and all other members of the Teaching Council do not receive any payment for their membership. However, in accordance with the Teaching Council Act 2001, travel and subsistence allowances are payable to all members for expenses incurred for their attendance at meetings of the council and the various committees of the council which have been established in line with the legislation. Any payment of travel and subsistence allowances are subject to the terms and conditions which apply in the Civil Service circulars governing such payments.

Question No. 768 answered with Question No. 134.

Question No. 769 answered with Question No. 761.

Schools Building Projects.

770. **Mr. Gogarty** asked the Minister for Education and Science the number of staff available in the planning and building unit of her Department in Tullamore to deal with the activity involved in making provisions for the school building programme. [19809/05]

Minister for Education and Science (Ms Hanafin): There are 121.23 wholetime equivalent staff currently assigned to the planning and building unit of my Department. Of these, 80 are in administrative grades on work directly related to the public capital programme for first and second level schools and 31.23 are in professional and technical grades, handling capital projects at all levels.

Apart from filling an existing vacancy for a quantity surveyor, it has been agreed to recruit a further quantity surveyor and an additional architect for the planning and building unit. Overall numbers in my Department have to be managed within the context of the Government's overall policy on public sector numbers. Regarding the planning and building unit, apart from the additional professional staff being recruited, additional temporary contract administrative staff have been put in place as required to deal with particular demands.

771. **Mr. Kehoe** asked the Minister for Education and Science when she will reply to correspondence from a person (details supplied) in County Wexford. [19810/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department has no record of the correspondence referred to by the Deputy. However, contact will be made directly with the person concerned to ascertain the content and to respond to the issues raised.

Special Educational Needs.

772. **Mr. Kehoe** asked the Minister for Education and Science the efforts she has made to ensure that special needs assistants continue to be employed in the system when their pupil moves on. [19811/05]

773. **Mr. Kehoe** asked the Minister for Education and Science the reason special needs assistants are put on pay scales when they are only assigned to a pupil for eight years and have no tenure when the pupil moves on; and if she will make a statement on the matter. [19812/05]

781. **Mr. Ó Fearghaíl** asked the Minister for Education and Science the number of contract types that exist for special needs assistants; the nature of such contracts; the number of special needs assistants employed under each contract type (details supplied); and if she will make a statement on the matter. [19876/05]

782. **Mr. Ó Fearghaíl** asked the Minister for Education and Science if her Department has given consideration to the establishment of a panel for special needs assistants to facilitate the redeployment of experienced support staff; and if she will make a statement on the matter. [19877/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 772, 773, 781 and 782 together.

Special needs assistants, or SNAs, are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. It has always been the case that where the care needs of a child no longer justify SNA support, that support should no longer have been available to the school.

There has been no change to the criteria or guidelines for allocating SNA support to schools and there are no plans to review the criteria or guidelines under which SNA support is allocated. Applications for SNA support are now dealt with by the National Council for Special Education which processes all applications for support from schools and communicate the decisions directly to the schools. The recruitment and deployment of SNAs within a school is a matter for the individual board of management.

The arrangement for the payment of special needs assistants employed in schools is similar to many other types of employment where employees are paid on a salary scale irrespective of the duration of the employment. This complies with the terms of the Fixed Term Act 2003.

The individual boards of management of schools are the employers of SNAs and the contracts that they have are a matter between the employers and individual SNAs. Therefore, the specific information requested by the Deputy in this regard is not available to my Department. My Department is engaged in discussions with the trade union representing SNAs, under the auspices of the Labour Relations Commission, on a number of issues relating to the employment of SNAs, including the matters raised by the Deputies. In the circumstances it would not be appropriate for me to comment specifically on any of these issues.

This Government has put in place an unprecedented level of support for children with special needs. Indeed, since 1998, the number of SNAs has increased from under 300 to over 6,300 nationally. More effective systems, such as the

establishment of the National Council for Special Education, have been put in place to ensure that children get support as early as possible.

774. **Mr. Kehoe** asked the Minister for Education and Science the reason a school (details supplied) in County Wexford is losing four to five special needs assistants; and if she will make a statement on the matter. [19813/05]

Minister for Education and Science (Ms Hanafin): Special needs assistants, or SNAs, are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. There has been no change to the criteria or guidelines for allocating SNA support to schools and I can further confirm that there are no plans to review the criteria or guidelines under which SNA support is allocated.

In order to ensure that resources are used in the most effective manner, a review has been conducted in recent months to establish whether primary schools have the level of SNA support that they need for children in their care, whether they have resources which they no longer need or whether they need extra resources.

The review has found that some schools no longer have the care needs for which the SNA was originally sanctioned. In some cases the child may have left the school while in other cases the care needs of the child have diminished as the child has progressed through the school. The schools where surplus SNA support was identified have been advised that they may retain this surplus until the end of the current school year.

A review of SNAs support has recently been completed in the school referred to by Deputy. At the time of the review the school had the services of four full time SNA posts and 154.8 part-time SNA hours. When the review was completed, it was determined that the appropriate level of SNA support in the school in question could be catered for with eight full time SNA posts. The net effect of the review was the loss of one full time SNA post and approximately 13 part-time hours. This information has been communicated to the school authorities.

The Deputy will be aware that this Government has put in place an unprecedented level of support for children with special needs. Indeed, since 1998, the number of SNAs has increased from under 300 to over 6,300 nationally. In addition to this, more effective systems, such as the establishment of the National Council for Special Education, have been put in place to ensure that children get support as early as possible.

Special education support services are properly targeted at the children who require them and that the substantially increased resources which are being made available in the special educational area have the desired effect of ensuring

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that all children assessed as having special needs receive the support they require.

Question No. 775 answered with Question No. 761.

Pupil-Teacher Ratio.

776. **Mr. Timmins** asked the Minister for Education and Science the pupil/teacher ratio by school in the primary schools of counties Wicklow and Carlow (details supplied); the schools which have concessionary teachers; and if she will make a statement on the matter. [19846/05]

Minister for Education and Science (Ms Hanafin): Based on the pupil enrolments on the 30 September, 2004, the pupil teacher ratios for the current school year in the schools referred to by the Deputy are 14.2:1, 20.25:1, 21.5:1 and 13.5:1 respectively. The first school referred to by the Deputy has a disadvantaged concessionary post.

Schools Building Projects.

777. **Mr. Timmins** asked the Minister for Education and Science her proposals to construct a new No. 1 primary school at Blessington, County Wicklow; and if she will make a statement on the matter. [19847/05]

Minister for Education and Science (Ms Hanafin): The No. 1 primary school in Blessington is listed among the 122 large-scale projects on the current school building programme announced in January for moving to tender and construction over a 12 to 15 month period. The project is for the provision of a new eight classroom school on a greenfield site. The school authorities will be kept advised of developments.

Question No. 778 answered with Question No. 120.

Question No. 779 answered with Question No. 741.

Question No. 780 answered with Question No. 65.

Questions Nos. 781 and 782 answered with Question No. 772.

Questions Nos. 783 and 784 answered with Question No. 89.

Schools Amalgamation.

785. **Mr. Carey** asked the Minister for Education and Science if the trustees of schools (details supplied) in Dublin 9 have notified her Department of the outcome of discussions on the amalgamation of the schools; if so, when this will take effect; if it is proposed to relocate into the vacated school building in time for occupation at

the beginning of the new school year; and if she will make a statement on the matter. [19972/05]

Minister for Education and Science (Ms Hanafin): Discussions on the amalgamation of the schools referred to by the Deputy are ongoing. My Department is in ongoing contact with the boards of management involved. The Deputy will appreciate that an amalgamation is a sensitive issue for those concerned and it would not, therefore, be helpful to plan for the relocation of the school to which the Deputy refers until the outcome of amalgamation discussions is known.

School Status.

786. **Mr. Noonan** asked the Minister for Education and Science if, in view of the prospective decline in the number of primary school students in Southhill parish and Our Lady Queen of Peace parish, Janesboro, County Limerick, and the application by schools in the area to change their status, she will review the provision of primary education in these parishes and take the views of all the education partners into account in bringing forward an agreed solution to the emerging problems; and if she will make a statement on the matter. [19973/05]

Minister for Education and Science (Ms Hanafin): My Department is in receipt of a proposal from the board of management of Our Lady Queen of Peace national school for a change of status from a girls' school with facilities for the teaching of infant boys, to a fully vertical co-educational provider of primary education. In the first instance, any such proposal must have the approval of the patron and clarification in this regard has already been sought. In addition, the proposal must also be examined in the context of existing provision and the likely impact such a change might have on other schools in the area. The agreement of schools in the area to the proposed change would be desirable before such a proposal would be approved.

On receipt of clarification of these issues, my officials will engage further with the school authorities before any final decision is taken. My Department has not received any application for change of status from Southhill junior school.

School Closures.

787. **Mr. Carey** asked the Minister for Education and Science if her Department has been notified by the trustees of a school (details supplied) in Dublin 11 of its intention to close this school; if her Department has interests in the property which need to be discharged prior to the disposal of the building; and if she will make a statement on the matter. [19974/05]

Minister for Education and Science (Ms Hanafin): My Department was notified in June

2003 of the trustees' decision to close the school referred to by the Deputy. My Department has a leasehold interest in the property which will require to be discharged prior to the disposal of the property.

School Staffing.

788. **Ms O'Sullivan** asked the Minister for Education and Science the number of teachers with restricted recognition currently working in primary schools; and if she will make a statement on the matter. [19975/05]

Minister for Education and Science (Ms Hanafin): There are 406 teachers with restricted recognition currently working in primary schools. Restricted recognition gives eligibility to teach in certain categories of special schools and in the categories of special classes in mainstream schools where Irish is not a curricular requirement. Teachers with such recognition are also entitled to take up positions in special schools for young offenders, youth encounter projects and special education projects. My Department grants restricted recognition to teachers who trained outside the State with a recognised primary teacher qualification, and teachers with certain approved Montessori qualifications. My Department also grants restricted recognition to teachers with a recognised post-primary qualification to enable them to teach in a special school where a proportion of the pupils attending the special school are of post-primary age and where second level programmes are being provided by the school.

Special Educational Needs.

789. **Mr. Neville** asked the Minister for Education and Science when a one to one resource teacher will be available to a person (details supplied) in County Limerick. [19976/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of the new general allocation system for pupils with high incidence special needs such as dyslexia, mild and borderline general learning disability as well as those requiring learning support. The introduction of the new system involves the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system. It is also the case that pupils with lower incidence special needs, such as autism, will continue to be catered for on an individual application basis.

On the basis of the information available to the Department, it appears that the pupil referred to by the Deputy suffers from specific learning dis-

ability and therefore falls into the high incidence disability category. In the circumstances, his needs would fall to be met from the general allocation to the school. In this instance, the school in question has a general allocation of 12.5 hours. The new scheme does not prevent schools from giving one-to-one time with a resource teacher to any child who needs such support. Rather, it ensures that each school has enough resources to ensure that each child gets a level of support appropriate to their individual needs. The school can use its professional judgement to decide how hours are divided between different children in the school, to ensure that all their needs are met.

Research shows that some children with special needs will respond better with one to one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than take them away to a separate room as the children then have to catch up work done by the rest of the class in their absence. The type of response needed depends on the child. While the new scheme will not prevent schools from giving one to one time with the resource teacher to children who need it, it is important to note that one to one teaching is not the best option for every child.

Schools Building Projects.

790. **Mr. Lowry** asked the Minister for Education and Science if correspondence (details supplied) has been received by her Department; if so, her views on the matter; when a decision will be made; and if she will make a statement on the matter. [19977/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. The building project in question is at an early stage of architectural planning and the stage submission is with my Department for assessment. When it is completed, the school building section will be in contact with the school authorities.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

791. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the extension project at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20053/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. The building project is at an early stage of architectural planning

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and officials from my Department have recently visited to determine the project brief. My Department will be in contact with the school authorities in due course to discuss how next to proceed.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

792. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the extension project at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20054/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. The building project is at an early stage of architectural planning. My Department's officials recently wrote to the school authorities giving approval to proceed to stage 1/2 — developed plans and costs — and a response to the letter issued is awaited.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

793. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the extension project at a school (details supplied) in County Kildare. [20055/05]

Minister for Education and Science (Ms Hanafin): The project referred to by the Deputy is among the large scale projects on the current school building programme listed to move to tender and construction over the next 12 to 15 months. My Department has given this school devolved authority to progress its project to tender and construction.

794. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the extension project at a school (details supplied) in County Kildare. [20056/05]

Minister for Education and Science (Ms Hanafin): The project referred to by the Deputy is listed among the 122 large scale projects on the current school building programme announced in January to move to tender and construction over a 12 to 15 month period. My Department's building unit is awaiting revised plans from the school and its design team on the project. When the plans are received, the project can be progressed further with a view to giving devolved authority to the school to proceed to tender and construction.

Special Educational Needs.

795. **Mr. Durkan** asked the Minister for Education and Science the extent to which she expects to increase the number of special needs assistants at primary school level; and if she will make a statement on the matter. [20057/05]

Minister for Education and Science (Ms Hanafin): There are currently 6,314 special needs assistants, SNAs, in primary schools. SNAs are assigned to schools to meet the care needs of individual children who have been assessed by a psychologist as needing this type of support. There has been no change to the criteria or guidelines for allocating SNA support to schools and there are no plans to review the criteria or guidelines under which SNA support is allocated. Applications for SNA support are now dealt with by the National Council for Special Education which processes all applications for support from schools and communicates decisions directly to schools.

I understand the council has dealt with all new applications from schools for SNAs who will be required from the beginning of September 2005. Where an identified need for SNA support arises, the resources to put an SNA in place will be made available to schools. However, it is not possible to state how many applications for such support may be lodged with the National Council for Special Education in the coming months.

Pupil-Teacher Ratio.

796. **Mr. Durkan** asked the Minister for Education and Science her plans to bring pupil-teacher ratios into line with best practice in other EU jurisdictions; and if she will make a statement on the matter. [20058/05]

798. **Mr. Durkan** asked the Minister for Education and Science her plans for the improvement of pupil-teacher ratios in all primary schools; and if she will make a statement on the matter. [20060/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 796 and 798 together.

Significant improvements have been made in the pupil-teacher ratio and average class size in recent years. The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil teacher ratio, which includes all teachers including resource teachers, 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.

In allocating teaching posts, regard has been had to the commitments of the Government to reduce class size, tackle educational disadvantage and provide additional resources for pupils with special educational needs. The additional teaching posts created since 1997 have been deployed

to address all of these priorities. The Deputy will be aware that a review of the allocation system of teaching support for pupils with special educational needs was recently completed. Arising from the review, a new model has been introduced to replace that which was notified to schools in June 2004. The introduction of the new system will involve the provision of an estimated additional 340 permanent posts in primary schools from September next. A further 320 posts are being provided on a temporary basis to facilitate the transition to the new system and to ensure continuity of service for children who have previously been given an individual allocation until those children leave the primary school system.

The new system will greatly benefit schools and the children in schools who need additional support. The Deputy will also be aware of the new action plan for educational inclusion, Delivering Equality of Opportunity in Schools, which I launched recently. The action plan will result in reduced class sizes in schools serving the most disadvantaged communities to 24:1 at senior level and 20:1 at junior level. In line with Government policy, my Department will continue to provide further reductions in the pupil-teacher ratio 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.

797. **Mr. Durkan** asked the Minister for Education and Science her plans for the improvement of pupil-teacher ratios in all second level schools; and if she will make a statement on the matter. [2005/05]

Minister for Education and Science (Ms Hanafin): Significant improvements have been made in the pupil-teacher ratio at post primary level in recent years. The ratio has fallen from 16:1 in the 1996-97 school year to 13.6:1 in the 2003-04 school year. In line with Government policy, my Department will continue to provide further reductions in the pupil-teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs and those from disadvantaged areas.

Question No. 798 answered with Question No. 796.

799. **Mr. Durkan** asked the Minister for Education and Science if a review has taken place regarding pupil-teacher ratio class sizes at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [2007/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary

school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, agreed between my Department and the education partners. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use teaching resources to have smaller numbers in other classes. The Deputy should note that significant improvements have been made in this area in recent years.

The average class size at primary level is now 23.9, down from 26.6 in 1996-97. The pupil-teacher ratio, which includes all teachers in a school including resource teachers, 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. These additional teaching posts have been used to reduce class sizes, tackle educational disadvantage and provide additional resources for children with special needs. The only deviation from the agreed staffing arrangements is in the case of schools classified as “developing schools”. The conditions for obtaining a post as a developing school are outlined in Primary Circular 15/05, a copy of which issued to the board of management of each school.

In the current school year the staffing of the school referred to by the Deputy comprises a principal and 21 mainstream class teachers based on an enrolment of 591 pupils at 30 September 2003. In addition, the school has two learning support teachers, two special class teachers, two full time resource teachers, one shared resource teacher and one temporary language support teacher. In accordance with the staffing schedule which issued recently to boards of management, the mainstream staffing of the school for the 2005-06 school year will remain a principal and 21 mainstream class teachers based on an enrolment of 588 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 which is also available on my Department’s website. The appeals board will meet in July to consider appeals on the mainstream teaching allocation to schools for the 2005-06 school year. The closing date for appeals is 24 June 2005. 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. The application form is available from the primary payments section or on my Department’s website.

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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.

800. **Mr. Durkan** asked the Minister for Education and Science the position in relation to provision of an extension at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20071/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. The building project for the school in question is at an early stage of architectural planning. The stage 3 submission — detailed plans and costs — is with my Department and will be assessed by staff in due course. When the analysis is complete, the school building section will contact the school authorities. A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

801. **Mr. Durkan** asked the Minister for Education and Science when works will commence at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20072/05]

Minister for Education and Science (Ms Hanafin): My Department is moving towards a model of devolving the responsibility for building projects to school management authorities where appropriate. The devolving of funding to local level will accommodate school authorities to have responsibility and ownership of their building projects and assist in moving projects in a specific timeframe through the design process, to tender action and construction. I am pleased to inform the Deputy that County Kildare VEC. has been allocated a grant under the 2005 summer works scheme in respect of conversion works at the college in question and I understand that tender documentation is being prepared.

802. **Mr. Durkan** asked the Minister for Education and Science when a decision will be made regarding an application for a major refurbishment project at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20073/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department is in receipt of an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects which

were revised following consultation with the education partners last year. Progress on the application is being considered in the context of the school building programme from 2005 onwards.

School Staffing.

803. **Mr. Durkan** asked the Minister for Education and Science when extra teaching staff will be allocated to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20074/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, agreed between my Department and the education partners. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use teaching resources to have smaller numbers in other classes. The only deviation from the agreed staffing arrangements is in the case of schools classified as “developing schools”. The conditions for obtaining a post as a developing school are outlined in Primary Circular 15/05, a copy of which issued to the board of management of each school.

In the current school year, the staffing of the school referred to by the Deputy comprises of a principal and nine mainstream class teachers based on an enrolment of 244 pupils at 30 September 2003. In addition, the school has one learning support teacher, one special class teacher, one resource teacher and one shared temporary language support teacher. In accordance with the staffing schedule which issued recently to boards of management, the mainstream staffing of the school for the 2005-06 school year will remain at a principal and nine mainstream class teachers based on an enrolment of 243 pupils at 30 September, 2004.

To ensure openness and transparency in the system an independent appeals board is 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 July to consider appeals on the mainstream teaching allocation to schools for the 2005-06 school year. The closing date for appeals is 24 June 2005. 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. The application form is available from the primary payments section or on my Department’s website.

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.

804. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the provision of extra facilities required at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20075/05]

Minister for Education and Science (Ms Hanafin): The project referred to by the Deputy is listed among the 122 large scale projects on the school building programme announced in January to move to tender and construction over a 12 to 15 month period. The project is at planning permission stage and it is envisaged that tenders will be sought later this year.

805. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the extra facilities required at a school (details supplied) in Dublin 24; and if she will make a statement on the matter. [20076/05]

Minister for Education and Science (Ms Hanafin): The project referred to by the Deputy is listed among the 122 large scale projects on the school building programme which will move to tender and construction. My Department has given devolved authority to the school in question to proceed with the project to tender and construction. I understand the project is at tender stage with tenders due to be returned before the end of June.

806. **Mr. Durkan** asked the Minister for Education and Science the position in relation to a school (details supplied) in conjunction with the County Kildare VEC relating to relocation and extension of the school's capacity; and if she will make a statement on the matter. [20077/05]

Minister for Education and Science (Ms Hanafin): County Kildare VEC, the management authority of St. Patrick's post primary school, is progressing plans to relocate the school and extend its capacity to 1,000 pupils. Discussions involving officials from my Department, County Kildare VEC, the local authority and representatives of a developer have been held in the matter. The discussions are ongoing and will be concluded as soon as possible to allow a final decision to be taken in the matter.

807. **Mr. Durkan** asked the Minister for Education and Science the position regarding extra facilities required at a school (details supplied) in County Kildare; when an extension will commence at this school; and if she will make a statement on the matter. [20078/05]

809. **Mr. Durkan** asked the Minister for Education and Science when extra facilities will be

provided at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20080/05]

810. **Mr. Durkan** asked the Minister for Education and Science when extra facilities will be provided at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20081/05]

812. **Mr. Durkan** asked the Minister for Education and Science when extra facilities will be provided at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20083/05]

813. **Mr. Durkan** asked the Minister for Education and Science when school renovations will be sanctioned at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20084/05]

814. **Mr. Durkan** asked the Minister for Education and Science when the accommodation issue will be addressed at a school (details supplied) in County Kildare, where no facilities are available for resource teaching; and if she will make a statement on the matter. [20085/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 807 to 810, inclusive, and 812 to 814, inclusive, together.

Applications for capital funding from the schools in question were considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under the review, all projects have been assessed in accordance with the published prioritisation criteria revised last year following consultation with the education partners. Each project has been assigned a band rating and the progress of all projects, including those referred to by the Deputy, is being considered in the context of the school building programme from 2005 onwards.

School Staffing.

808. **Mr. Durkan** asked the Minister for Education and Science if extra teaching staff will be allocated to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20079/05]

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. The schedule is outlined in Primary Circular 15/05 which issued to all primary schools recently and is in line with guidelines agreed between my Department and the education partners.

According to my Department's records, the school referred to by the Deputy had an enrolment of 148 pupils on 30 September, 2004. On

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the basis of its enrolment, I am pleased to inform the Deputy that the appointment of one additional mainstream class teacher is warranted for the 2005-06 school year. Therefore, the mainstream staffing of the school for the 2005-06 school year will be a principal and five mainstream class teachers.

Questions Nos. 809 and 810 answered with Question No. 807.

Schools Building Projects.

811. **Mr. Durkan** asked the Minister for Education and Science when extra facilities will be provided at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20082/05]

829. **Mr. Durkan** asked the Minister for Education and Science the updated report in regard to the provision of the required and proposed facilities at a school (details supplied) in County Kildare; the possible deadline for meeting such requirements; and if she will make a statement on the matter. [20100/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 811 and 829 together.

An application for capital funding from the schools in question has been considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme.

Under this review, all projects have been assessed against the published prioritisation criteria which were revised last year following consultation with the education partners. Each project has been assigned a band rating and the progress of all projects will be considered in the context of the school building programme from 2005 onwards.

Questions Nos. 812 to 814, inclusive, answered with Question No. 807.

815. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of extra accommodation and other requirements at a school (details supplied) in County Kildare which are urgently required; and if she will make a statement on the matter. [20086/05]

Minister for Education and Science (Ms Hanafin): I have included phase two of the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005. Phase one of the building project is currently under construction and is due for completion in the near future.

Phase two of the building project is at an early stage of architectural planning. My Department's officials recently wrote to the school authorities giving approval to proceed with a revised stage 2 submission, developed plans and costs, and a response to the letter issued is awaited.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

816. **Mr. Durkan** asked the Minister for Education and Science if and when funding for school building and budget will be authorised for a school (details supplied) in County Meath, specifically catering for children with autism; and if she will make a statement on the matter. [20087/05]

Minister for Education and Science (Ms Hanafin): An application for funding in relation to a temporary structure provided by Stepping Stones, Meath ABA school was recently the subject of an appeal in my Department.

The appeals process is now finalised. An official from my Department's school building section recently met members of Stepping Stones Meath ABA Limited to discuss the outcome. As a result of that meeting further information was requested by my Department. This information has recently been received and is currently being considered by the property management section of my Department.

817. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of a new school at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20088/05]

Minister for Education and Science (Ms Hanafin): I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005.

The building project is at an early stage of architectural planning. My Department's officials recently wrote to the school authorities giving approval to proceed with a stage 2 submission, developed plans and costs, and a response to the letter issued is awaited.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

818. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of extra classrooms at a school (details supplied) in County Kildare which are urgently required; and if she will make a statement on the matter. [20089/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that I have included phase two of the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005.

Phase one of the building project is currently under construction and is due for completion in the near future.

Phase two of the building project is at an early stage of architectural planning. My Department's officials recently wrote to the school authorities giving approval to proceed with a revised stage 2 submission, developed plans and costs, and a response to the letter issued is awaited.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

819. **Mr. Durkan** asked the Minister for Education and Science the position in regard to site acquisition to meet requirements of alternative or new school facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20090/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf of my Department in regard to site acquisitions generally, has identified a number of possible site options for the school referred to by the Deputy. Discussions between the relevant landowners and OPW are continuing.

Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be placed on my Department's website when the relevant acquisitions have been completed.

820. **Mr. Durkan** asked the Minister for Education and Science the position in regard to a classroom extension at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20091/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that construction is well under way on the project in question. The extension is scheduled for completion by September of this year.

821. **Mr. Durkan** asked the Minister for Education and Science the position in regard to an extension at a school (details supplied) in County Kildare. [20092/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that construction work is well under way on the new eight classroom school in question. The new

school is scheduled for completion for September of this year.

822. **Mr. Durkan** asked the Minister for Education and Science the position in regard to classroom extension at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20093/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that construction is well under way on a seven classroom extension at the school in question. The extension is scheduled for completion for September of this year.

This school was also included in my recent announcement of schools to commence architectural planning to provide for a further eight classroom extension and ancillary accommodation. The process of appointing a design team for this project has already commenced.

823. **Mr. Durkan** asked the Minister for Education and Science the position in regard to construction works at a school (details supplied) in County Dublin; and if she will make a statement on the matter. [20094/05]

Minister for Education and Science (Ms Hanafin): The project referred to by the Deputy is currently under construction and is expected to be completed by mid-2006.

824. **Mr. Durkan** asked the Minister for Education and Science the position in regard to an extension at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20095/05]

Minister for Education and Science (Ms Hanafin): Construction is well under way on the extension at the school in question. The extension is scheduled for completion for September of this year.

825. **Mr. Durkan** asked the Minister for Education and Science if the extension, ancillary accommodation and autistic unit are on target for completion at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [20096/05]

Minister for Education and Science (Ms Hanafin): Construction is well under way on the extension at the school in question. The projects are scheduled for completion in the first half of 2006.

School Placement.

826. **Mr. Durkan** asked the Minister for Education and Science her plans to meet the primary school place needs of parents seeking a multi-denominational educational ethos in Naas, County Kildare; and if she will make a statement on the matter. [20097/05]

Minister for Education and Science (Ms Hanafin): In September 2004 in accordance with the procedures for the recognition of new primary schools, Educate Together, the national umbrella body for multi-denominational schools in Ireland, submitted a notification of its intention to apply to open a new primary school in Naas in September, 2005. However, this notification was not followed up with a formal application which was required to have been submitted by 31 January, 2005 and, consequently, the proposed school will not open this year.

In the circumstances, the pupil referred to would be eligible to apply for school transport to the nearest multi-denominational school in the area. The parent of the pupil should contact the school transport section of my Department for full details in this regard.

827. **Mr. Durkan** asked the Minister for Education and Science the position and her plans for the future provision of full primary and post-primary school facilities in line with requirements set out by the schools authorities and by reference to demographic trends with a view to ensuring that all children at primary or second level can be offered places as required at Naas, County Kildare; and if she will make a statement on the matter. [20098/05]

Minister for Education and Science (Ms Hanafin): I am aware that Naas, like many areas located within close proximity to Dublin, continues to experience population growth, a position that almost inevitably places some strain on existing educational provision. However, a range of significant measures has been undertaken by my Department to address the current and future need for pupil places in the Naas area.

Specifically, at primary level, an entire new school has been provided at Killashee while temporary accommodation has been provided at Scoil Corbain, St. Conleth's and St. Mary's NS and St. Conleth's Naofa. Temporary accommodation has also been provided at one of the two nearby national schools at Caragh. In addition approval has been given to St. Corban's, Gaelscoil Nás na Riogh and Killashee for additional temporary accommodation for September 2005.

A brand new state of the art 16 classroom school together with a double autistic unit is under construction in Naas town. This facility will open in September 2005 for junior infant classes.

Additionally, there are proposals to improve accommodation at St. David's national school and Two Mile House national school. The accommodation needs of the national schools at Ballycane, Caragh and the Convent of Mercy in Naas itself are also currently being assessed.

At post-primary level, the management authority of St. Patrick's post-primary school, County Kildare VEC, is currently progressing plans to relocate the school and extend capacity to 1,000

pupils. Additionally, an extension project is under construction at St. Mary's College, which will increase capacity at that school to 900 pupils. A similar extension is under construction at Meánscoil Iognáid Rís and further accommodation needs at the school are in planning.

All of these initiatives represent huge capital investment and demonstrate my commitment to meeting the needs of the area concerned. The school planning section of my Department will keep the position under review to ensure that any additional emerging needs are met as expeditiously as possible.

Schools Building Projects.

828. **Mr. Durkan** asked the Minister for Education and Science the extent to which she has studied the need for the provision of a new primary school at Kill, County Kildare; if she has received submissions from the Kill national school authorities in this regard; if her attention has been drawn to the urgent need to meet such requirements at an early date; if she will provide instructions to the relevant section of her Department with a view to achieving the desired level of progress in the shortest possible time; the number of school places it is intended to provide at this location in the near future; and if she will make a statement on the matter. [20099/05]

Minister for Education and Science (Ms Hanafin): I am aware that Kill, like many areas located within close proximity to Dublin, continues to experience population growth, a position that almost inevitably places some strain on existing educational provision. To alleviate the need for school places in Kill it is proposed to provide a new 16 classroom school.

The property management section of the Office of Public Works, which acts on behalf of my Department in regard to site acquisitions generally, is continuing to explore all possibilities in regard to the acquisition of a site for a new national school in Kill. Every effort is being made to ensure that a site is acquired as soon as possible. The school planning section of my Department will keep the position under review to ensure that any additional emerging needs are met as expeditiously as possible.

Question No. 829 answered with Question No. 811.

830. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the permanent facilities required at a school (details supplied) in County Kildare; the anticipated timescale for the provision of same; and if she will make a statement on the matter. [20101/05]

Minister for Education and Science (Ms Hanafin): While the school to which the Deputy

refers has not yet applied to my Department for capital funding, an application in this regard is expected shortly.

On receipt of the application the project will be assessed against the published prioritisation criteria for large scale building projects which were revised last year following consultation with the education partners. The project will be assigned a band rating and its progress will be considered in the context of the school building programme from 2005 onwards.

Question No. 831 answered with Question No. 117.

Psychological Service.

832. **Mr. Durkan** asked the Minister for Education and Science the degree to which psychological assessment is readily available at all primary or post-primary schools throughout the country; and if she will make a statement on the matter. [20103/05]

Minister for Education and Science (Ms Hanafin): All schools have access to psychological assessments, either directly through the National Educational Psychological Service, NEPS, for those schools currently served by NEPS, or through the scheme for commissioning psychological assessments, SCPA, for those that do not currently have NEPS psychologists assigned to them.

All schools that do not have NEPS psychologists assigned to them may avail of this scheme, whereby they can commission assessments from a member of the panel of private psychologists approved by NEPS, and NEPS will pay the fees directly to the psychologists concerned. Details of this scheme, including the conditions that apply to it, are available on my Department's website.

The complement of psychologists in NEPS has increased almost three-fold from 43 psychologists on establishment to 128 psychologists at present. NEPS also provides assistance to all schools that suffer from critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. NEPS also processes applications for reasonable accommodations in certificate examinations. On behalf of my Department, the Public Appointments Service has recently initiated a new recruitment competition for NEPS. Any increase in the overall numbers of psychologists in NEPS must take account of Government policy on public sector numbers.

School Accommodation.

833. **Mr. Durkan** asked the Minister for Education and Science her plans to meet the new primary and post-primary schools requirements as set out by the various school authorities in the coming year; and if she will make a statement on the matter. [20104/05]

Minister for Education and Science (Ms Hanafin): The Deputy should note that significant additional resources have been provided to schools at both primary and second level in recent years to cater for improved staffing levels, increased *per capita* grants, new and refurbished accommodation, additional supports for pupils in disadvantaged areas and pupils with special educational needs. My Department is committed to providing additional funding to the education sector generally as resources permit.

Special Educational Needs.

834. **Mr. Durkan** asked the Minister for Education and Science the degree to which she expects to increase the number of resource, remedial or special needs teachers at all schools throughout the country; and if she will make a statement on the matter. [20105/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, a new scheme for allocating resource teachers to primary schools to cater for the needs of children with high incidence special needs and learning support needs, was announced last month.

To ensure that every school has enough resource teaching hours to meet the needs of its pupils, an extra 660 resource teaching posts are being put in place for next September. Some 340 of these are permanent posts and 320 are temporary posts being provided to ensure that children who had been given an individual allocation of resource teaching hours by my Department will keep these in situations where the general allocation to the school would not be sufficient to allow the school to provide these hours from within its general allocation.

As of next September there will be more than 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. One out of every five primary school teachers is now working specifically with children with special needs.

It is also the case that pupils with low incidence special needs, such as autism, will continue to be catered for on an individual application basis. However, the establishment of the National Council for Special Education, NCSE, last January and the recruitment of special educational needs organisers, SENOs, throughout the country has greatly enhanced the speed of response to such applications.

Children with more severe disabilities are catered for in 107 special schools which are dedicated to particular disability groups throughout the country. Where placement in a special school is not considered necessary, children with special educational needs can attend one of over 600 special classes attached to ordinary mainstream primary schools. Children attending special

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schools and classes enjoy a significantly reduced pupil teacher ratio and other staffing supports. My Department, in conjunction with the National Council for Special Education, will continue to sanction additional provision in these areas where particular needs are identified.

The Government and I, as Minister for Education and Science, are deeply committed to improving services for children with special needs. In addition to the significant increase in resource teachers in recent years, the introduction of this new general allocation scheme will ensure a faster and more flexible response for children with special needs.

835. **Mr. Durkan** asked the Minister for Education and Science her plans to provide speech and language therapy teachers in accordance with the requirements as set out by the various school authorities throughout the country at primary and second level; and if she will make a statement on the matter. [20106/05]

Minister for Education and Science (Ms Hanafin): My Department will establish speech and language classes, with appropriate teaching support, where a need for such classes is established. However I wish to advise the Deputy that the provision of speech and language therapists is a matter for my colleague, the Tánaiste and Minister for Health and Children.

Special Educational Needs.

836. **Mr. Durkan** asked the Minister for Education and Science the extent to which she expects to increase the number of special needs assistants available at second level schools throughout the country; and if she will make a statement on the matter. [20107/05]

Minister for Education and Science (Ms Hanafin): The level of resources being made available to support students with special educational needs in the second level system has grown significantly in recent years. In the current school year, my Department has allocated approximately 632 whole-time equivalent special needs assistants to second level schools to cater for pupils with special educational needs. This represents an increase of approximately 167 special needs assistant posts on the previous school year.

The National Council for Special Education, NCSE, has been established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order 2003. With effect from 1 January 2005, the NCSE, through local special educational needs organisers, SENOs, will process resource applications for children with special educational needs. Where a pupil with special educational needs enrolls in a post-primary

school, it is open to the school to apply to the local SENO for additional teaching support and/or special needs assistant support for the pupil. I am confident the establishment of the National Council for Special Education will prove of major benefit in ensuring that all children with special educational needs receive the support they require when and where they require it.

Tax Collection.

837. **Mr. Hogan** asked the Minister for Defence when a reply will be issued in respect of Revenue matters to a person (details supplied) in County Kilkenny; if he will undertake to treat this matter urgently; and if he will make a statement on the matter. [18942/05]

Minister for Defence (Mr. O'Dea): I understand an application for a refund of income tax from the person concerned in respect of absences on sick leave for which he received social welfare benefit is being processed by the Revenue Commissioners. The person concerned has been notified of the position.

Military Inquiries.

838. **Mr. Noonan** asked the Minister for Defence if the findings of the inquiry into a person (details supplied) in County Limerick indicate that the naval authorities were guilty of contributory negligence in the person's death; if the apology promised to this person's family by a representative of the naval authorities should now be made; and if he will make a statement on the matter. [18986/05]

Minister for Defence (Mr. O'Dea): I again convey my deepest sympathy to the family on the loss of their son.

As the Deputy may be aware, a Naval Service officer held meetings with the parents at the office of their legal representative to facilitate their access to the report of the military court of inquiry into their son's tragic death. The meetings were intended to assist the family by explaining the court of inquiry process and clarifying any questions or issues they had arising from the report.

Specific requests were made by the family arising from these meetings and the naval officer undertook to have them considered by the relevant authorities. They were then carefully considered taking full account of all relevant facts in the case. In particular, account was taken of the fact that the criminal courts had found an individual guilty of the manslaughter of the person in question. Responsibility rests with this individual as a consequence of his criminal acts. My officials have written to the family explaining why it is regrettably not possible to accede to their requests.

Ministerial Travel.

839. **Mr. Allen** asked the Minister for Defence the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official party; the duration of the visit; and the total cost. [19197/05]

Minister for Defence (Mr. O'Dea): I did not travel abroad for the St. Patrick's Day celebrations.

Airspace Infringements.

840. **Ms C. Murphy** asked the Minister for Defence if he will report on illegal or unauthorised encroachment into military airspace by aircraft from the Weston Aerodrome; and if there are additional safety implications for Air Corps trainee pilots in the PC9M training aircraft. [19784/05]

Minister for Defence (Mr. O'Dea): Unauthorised infringements by air traffic from Weston Airport represent a hazard to all airspace users, whether military or civil aircraft, that legally transit through restricted military airspace. All infringements are noted by the Air Corps and the more serious infringements are reported to the appropriate body, the Irish Aviation Authority, for its attention and for any action which it deems appropriate. The Air Corps continually conducts risk assessments, including liaison with Weston Airport on safety issues, to ensure the maximum safety for all airspace users.

Official Engagements.

841. **Mr. Connolly** asked the Minister for Defence if he will make a statement on the outcome of his Sarajevo meeting on 31 May 2005 with the EU's administrator in Bosnia Herzegovina, Lord Paddy Ashdown. [19985/05]

Minister for Defence (Mr. O'Dea): During the period 30 May to 1 June, I visited Irish troops serving with KFOR in Kosovo, and EUFOR in Bosnia Herzegovina. During my visit to EUFOR, I met with Lord Ashdown, the high representative for Bosnia Herzegovina. We had a wide-ranging discussion which included the current situation in the area and the prospects for further developments and also the question of the opening of negotiations on a stabilisation and association agreement.

Tax Code.

842. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if he will work closely with the Department of Finance on tax relief or support in assisting the supply of dog dazers; and if he will make a statement on this public health issue. [19279/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Control of Dogs Acts 1986 and 1992 place statutory responsibility for dog control on county and city councils. Under the Acts, dogs are required to be licensed and to be kept under effectual control. Regulations under the Acts also provide for the leashing and muzzling of certain classes of dogs when in a public place. The implementation of the Acts is assigned to local authorities which have power to appoint dog wardens, to provide shelters for stray and other dogs, to seize dogs, to impose on-the-spot fines for a number of offences and to take prosecutions. Local authorities are regularly reminded by my Department of the need for effective enforcement of these provisions.

Any question of introducing tax reliefs is primarily a matter for consideration by my colleague the Minister for Finance. I have no proposals to recommend the introduction of reliefs of the kind referred to in the question.

National Spatial Strategy.

843. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government the progress in implementing the national spatial strategy as far as County Monaghan is concerned; and if he will make a statement on the matter. [19307/05]

844. **Mr. Connolly** asked the Minister for the Environment, Heritage and Local Government the progress in implementing the national spatial strategy for County Cavan; and if he will make a statement on the matter. [19308/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 843 and 844 together.

The national spatial strategy, NSS, aims to achieve a better balance of social, economic and physical development across Ireland, supported by more effective planning. The NSS will be implemented over a 20-year timeframe up to 2020.

The Government has put a wide range of measures in place at national, regional and local levels to implement the NSS, and achieve its objectives over its 20-year timeframe. During the initial phases of NSS implementation, strong emphasis was placed on the preparation and adoption by all regional authorities of regional planning guidelines to elaborate how policies set out in the NSS should be developed in more detail and implemented in different regions, including the Border region of which Cavan and Monaghan are a part. The regional planning guidelines for the Border region were adopted in May 2004.

My Department subsequently issued best practice guidance on the arrangements for implementing the regional planning guidelines, includ-

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ing the question of transposing the policy objectives contained in the regional planning guidelines into local authority development plans. Arrangements have also been made for the establishment of an implementation group within the Border region for the regional planning guidelines to sustain and further develop the shared vision of the region's development potential as set out in the guidelines, to monitor investments within the region in the infrastructural projects identified as priorities, to establish a shared database in relation to development patterns in the region and to assist the regional authority in monitoring and reporting on overall implementation of the RPG's, with an eye to any future review of the RPG's.

It is understood that reviews of the Monaghan county, Monaghan town and Cavan town and environs development plans are now under way. These reviews will take account in particular of Monaghan and Cavan towns designation in the NSS as hubs to build the critical mass necessary to lead the drive towards a more balanced spread of enterprise, tourism, service and other economic and social development supported by key investments by the public and private sectors.

Water and Sewerage Schemes.

845. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when funding will be made available for the installation of a water filtration plant for the public water supply in Ennis (details supplied); and if he will make a statement on the matter. [19387/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Ennis town water supply treatment scheme has been approved for construction in my Department's water services investment programme 2004-2006. My Department is awaiting submission of Clare County Council's tender documents for the scheme.

846. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government when funding will be made available for the construction of a secondary sewage treatment plant in Ennis (details supplied); and if he will make a statement on the matter. [19388/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Ennis-Clarecastle sewerage scheme has been approved for construction in my Department's water services investment programme 2004-2006. Clare County Council's preliminary report for the scheme is being examined in my Department and will be dealt with as quickly as possible.

House Prices.

847. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the average price of a domestic dwelling house in the Wexford district of the Wexford constituency in the period 2000 to 2005; and if he will make a statement on the matter. [19610/05]

848. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the average price of a domestic dwelling house in the Enniscorthy district of the Wexford constituency in the period 2000 to 2005; and if he will make a statement on the matter. [19611/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 847 and 848 together.

My Department does not have data on average prices for houses in Enniscorthy or Wexford electoral areas of the Wexford constituency on the basis sought in the question. However, information on the average house prices in five specified areas, namely Cork, Dublin, Galway, Limerick, Waterford, together with an average price for all other locations, which would include areas in County Wexford, is published on a quarterly and annual basis in my Department's housing statistics bulletin, copies of which are available in the Oireachtas Library, and on the Department's website at www.environ.ie.

My Department is developing a new house price statistics system which will incorporate the production of a mix-adjusted house price index reflecting not only house price variations but also changes in the proportion of property types purchased and incorporating characteristics such as region, age of dwelling, type of buyer, including first-time buyer, house type and number of rooms. House price data will be available at county level once this system goes live, which is expected to be later this year.

Housing Grants.

849. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government if an application for a new house grant was received in 1999 in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [18956/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): There is no record of the receipt of an application for a new house grant from the person named at the address given. Applications for a grant, which was terminated as and from 14 November 2002, were required to be received in my Department by 4 December 2002.

Water and Sewerage Schemes.

850. **Mr. Naughten** asked the Minister for the

Environment, Heritage and Local Government if he will approve funding for a sewerage scheme (details supplied) in County Roscommon; and if he will make a statement on the matter. [18957/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Roscommon towns and villages sewerage scheme, of which Tusk is an element, is included in my Department's water services investment programme 2004-2006 as a scheme to commence construction in 2006. My Department is awaiting submission of Roscommon County Council's design review report for the scheme. When the design review report is approved by my Department, the council will then be in a position to prepare contract documents for the scheme.

851. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the number of sewerage schemes which will commence construction in the Waterford constituency in 2005; and if he will make a statement on the matter. [18987/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details of approved waste-water schemes in Waterford city and county are set out in my Department's water services investment programme 2004-2006 which is available in the Oireachtas Library. The most up-to-date information relating to the construction status of individual schemes, including schemes being advanced under the devolved rural water programme, may be obtained from the relevant local authority.

Local Authority Housing.

852. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government the number of social houses which have been provided by each of the county councils in each of the past four years; if he has satisfied himself that all councils are making sufficient effort to utilise this funding; if not, the steps he proposes to take to encourage them to do so; and if he will make a statement on the matter. [19001/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details on the number of social house completions are available for the period to September 2004 in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library, and for the period to December 2004 are on the Department's website at www.environ.ie.

The housing needs of an increasing number of households are being met each year through the provision of housing by local authorities and voluntary and co-operative housing organisations. Since 1997 the housing needs of 86,000 households have been met and in general, over the past

decade, the resources allocated to my Department for social housing purposes have been fully spent.

My Department, in its overall responsibility for managing housing capital budgets, seeks to ensure that these are spent as effectively as possible. In the case of local authority housing, where one authority does not require their full social housing allocation, my Department can reassign the balance to other authorities and there is also flexibility to use any unused resources for other housing purposes. There was some under-spend in 2004 on the allocation available for voluntary and co-operative housing, but new facilities under the multi-annual capital envelope regime, permitted these resources to be carried into 2005 for reallocation.

The Government has allocated record levels of funding for social and affordable housing programmes this year. Total capital spending on social and affordable housing output in 2005, including non-Exchequer finance, will amount to some €2 billion and will assist in meeting the housing needs of more than 13,000 households. In addition, it is anticipated that a number of households in private rented accommodation will transfer to the new rental accommodation scheme now being introduced.

One of the key lessons from past performance is the need for certainty around funding and the value of a multi-annual approach. The Government's decision to introduce five-year multi-annual capital investment programmes provides the appropriate framework in this regard. To ensure a systematic and integrated approach to the use of these resources, my Department has initiated the development by local authorities of new five-year action plans for social and affordable housing. These plans, which are now in place, will allow for the effective allocation of resources by my Department and will ensure that these resources are used to best effect to deliver the optimum level of quality housing in a manner which contributes to the social inclusion objectives of breaking cycles of disadvantage and dependency. Provision has also been made for a mid term review of the plans in 2006 which will allow for adjustments to be made in light of actual performance and any new housing policy initiatives arising in the interim.

Professional Qualifications.

853. **Mr. Carey** asked the Minister for the Environment, Heritage and Local Government if there is a definition of the profession architect which is recognised nationally and internationally; and if he will make a statement on the matter. [19005/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU architects directive — 85/384/EEC of 10 June 1985 —

[Mr. Roche.]

provides for the mutual recognition of diplomas, certificates and other formal qualifications in architecture to facilitate freedom to provide architectural services across borders within the EU. At present, the profession of architecture is not regulated in Ireland. Accordingly, recognition under the EU directive is not necessary for architects seeking to establish a practice in this country.

The Government plans to introduce the building control (amendment) Bill in the autumn. This Bill will provide for, *inter alia*, statutory protection of the title of “architect” so that only those who are suitably qualified and registered will be entitled to use the title “architect” when providing architectural services. As regards architects registered in other EU member states, the Bill will recognise those holding qualifications listed in the EU architects directive.

Register of Electors.

854. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will respond to the request for voting rights to be given to Irish citizens; and if he has any advice to offer (details supplied). [19013/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The compilation of a register of electors is a matter for the appropriate registration authority in accordance with electoral law. To be able to vote at elections and referenda in this jurisdiction, a person’s name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides. Subject to this primary requirement, the person’s citizenship then determines the polls at which he or she is entitled to vote. Irish citizens who are registered to vote may vote at all polls. British citizens may vote at Dáil, European and local elections, EU citizens other than Irish and British citizens may vote at European and local elections and non-EU citizens may vote at local elections only.

Postal voting is provided for in respect of certain categories of person as specified in electoral law. The Electoral Act 1992 provides for postal voting for members of the Garda, whole-time members of the Defence Forces and Irish diplomats serving abroad and their spouses. Subsequent legislation enacted by the Oireachtas has extended postal voting to other categories: electors living at home who are unable to vote because of a physical illness or disability — the Electoral (Amendment) Act 1996; electors whose occupation, service or employment makes it likely that they will be unable to vote in person at their local polling station on polling day — the Electoral Act 1997; full-time students registered at their home who are living elsewhere while attending an educational institution in the State

— the Electoral Act 1997; and certain election staff employed at the poll outside the constituency where they reside — the Electoral (Amendment) Act 2001.

The question of voting rights for Irish citizens living abroad has been considered in detail on a number of occasions, most recently by the Oireachtas All-Party Committee on the Constitution in its examination of Parliament. On emigrant participation in political life, the seventh progress report of the committee, published in March 2002, concluded that the right to vote in Dáil elections should remain confined to citizens ordinarily resident in the State and that the right to vote at referenda should not be granted to emigrants. While electoral law is subject to ongoing review, there are no proposals to alter the existing arrangements.

Breaches of Legislation.

855. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if hedge cutting took place at a location (details supplied) in recent weeks in breach of the Wildlife Act 1976. [19014/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am informed that the cutting of the hedge in question, by a statutory body, was necessitated by security considerations and to facilitate redevelopment work.

856. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government if reports have been received from the national parks and wildlife service detailing breaches of licence conditions by coursing clubs (details supplied) in counties Laois and Offaly; if the licence to Rathdowney will be withheld for the 2005-06 season; if the licence will be withdrawn from Ballinagar; and if he will make a statement on the matter. [19015/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Reports of the coursing meetings referred to in the question and which were held in late 2004 have been compiled by my Department’s national parks and wildlife service, NPWS. As these raise certain concerns about compliance with the conditions of the licence issued to the Irish Coursing Club, ICC, by my Department for the 2004-05 season, the issues involved will shortly be taken up by my Department with ICC. Following that discussion and further assessment, I will be in a position to consider the implications, if any, for the issue of the licence to ICC for the 2005-06 season.

Housing Grants.

857. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government his policy towards the provision of disabled persons grants for the modification of accommo-

dition of persons with special needs; if he has or will issue instructions to the local authorities in this regard; and if he will make a statement on the matter. [19016/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The administration of the disabled persons grant scheme is delegated to local authorities within the framework laid down in statutory regulations. As far as practicable this is designed to give an appropriate degree of flexibility at local level. The basic requirements for obtaining a disabled persons grant are that the work for which it is sought is, in the opinion of the local authority, reasonably necessary for the purpose of rendering a house more suitable for the accommodation of a disabled member of the household. Under the terms of the scheme, the maximum grant of €20,320 can cover up to 90% of the cost of the works to private houses.

The disabled persons grant scheme is intended, like a number of other housing grant schemes operated by my Department, to assist works which provide additional or adapted accommodation in private houses. However, it is not designed to cover the full cost of works for all applicants. Local authorities may provide reconstruction loans to qualified applicants who have difficulty in obtaining finance to meet the balance of the cost.

A combined capital allocation of €70 million is being made available to local authorities for the payment of disabled persons and essential repairs grants in 2005. Individual allocations were notified to local authorities last week. It is a matter for authorities to decide on the level of funding to be provided for the disabled persons grant scheme from within this combined capital allocation. While two thirds of all expenditure on the scheme is recouped by my Department, authorities are required to fund the remaining one third from their own revenue resources with amounts provided for that purpose in their annual estimates.

I am very much aware of the importance of the disabled persons grants scheme in assisting the provision of appropriate accommodation of disabled persons in the community. It is essential that the available funding be directed to those persons in greatest need of such assistance. It is envisaged that the outcome of the review of the operation of the scheme which is under way in my Department will make a significant contribution to this achievement.

Planning Issues.

858. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if it is appropriate and safe to build 162 apartments above the Dublin Port tunnel while it is being constructed; if all planning and traffic count pro-

cedures were adhered to at the proposed apartment development (details supplied) in Dublin 9; and if he will make a statement on the matter. [19075/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Minister for the Environment, Heritage and Local Government is generally precluded from exercising any power or control regarding any individual matter with which a planning authority or An Bord Pleanála is or may be concerned under section 30 of the Planning and Development Act 2000. It would not therefore be appropriate for me to comment on an individual case. It is a matter for the relevant planning authority to determine if planning procedures were complied with, and whether the location of a particular development is appropriate in all circumstances.

Local Authority Housing.

859. **Mr. Ardagh** asked the Minister for the Environment, Heritage and Local Government if Dublin City Council will not gazump shared ownership bidders for houses in its administrative area; and if any bid made by the council does not exceed the maximum price that a shared ownership bidder can bid. [19076/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An applicant who has been approved in principle for shared ownership by a local authority may select a new or existing house or build a new house for occupation on a shared ownership basis. The house must be suitable to the applicant's needs, meet certain minimum standards and be acceptable to the local authority. It is understood from Dublin City Council that if the authority has knowledge that a shared ownership applicant is bidding for the same house as the city council, it is its policy to withdraw its offer on the house. While it is the case that Dublin City Council purchases second-hand houses as part of its housing construction and acquisition programme, the Department has emphasised to the city council the need to concentrate on the construction of new local authority dwellings.

Planning Issues.

860. **Ms O. Mitchell** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the number of planning applications being declared invalid based on the Planning and Development Regulations 2001; the cost of these rejections to the ordinary householder; the representations made to his office by the RIAI and the CIF on this matter; and if he will make further regulations regarding the implementation of the existing regulations. [19180/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): To decide on a planning application, it is necessary for the planning authority to have received from the applicant all the information, documentation and maps which have been prescribed for the purpose of the planning application. It is also necessary that all public participation requirements of the Planning and Development Regulations 2001, that is, in respect of site notices and newspaper notices, be complied with.

The regulations make planning applicants and their agents responsible for ensuring that their planning applications comply fully with the provisions of the regulations. This allows planning authorities to concentrate on the making of decisions and thus improve the efficiency of the planning system. These improvements have been essential to process the number of applications received by planning authorities which have more than doubled compared with ten years ago, with over 88,000 applications received in 2004.

For that reason, the 2001 regulations changed the procedures relating to planning applications to make it mandatory to include all relevant parts of an application before it can be considered. My Department recommends that applicants and their agents should communicate with planning authorities, through the pre-application consultations provided for in the 2000 planning Act, or otherwise, to ensure that they fully understand the requirements and to minimise the possibility of making an invalid application. Planning authorities also publish guidance on making planning applications, on their websites or otherwise.

The administration of the 2001 regulations in relation to validating planning applications is necessarily a matter for local planning authorities and some variations in practice between planning authorities may still arise from this situation. However, as the regulations have now been in operation for three years, I would expect that planning authorities should increasingly become expert in applying them in a reasonable and pragmatic manner. While I am satisfied that the regulations are generally being operated well by planning authorities, my Department has noted the various representations made to it on this matter. These will be taken into account in the forthcoming planning and development regulations and the draft development management guidelines, both of which will be published shortly. The new regulations will also provide for a standardised planning application form for use in all local authorities.

Ministerial Travel.

861. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government the most up-to-date information on his travels abroad for the St. Patrick's Day celebrations; the persons who travelled with him in his official

party; the duration of the visit; and the total cost. [19198/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I visited Shanghai and Beijing, China, from 13 March to 20 March 2005 for the St. Patrick's Day celebrations to build on the successful visit by the Taoiseach and his delegation to that country.

During my visit, accompanied by my wife and private secretary, I met the Vice-Mayor of Shanghai and the President of Fudan University, Shanghai, where I presented the George Bernard Shaw essay prize. I also met the Vice-Minister responsible for the state environmental protection administration, attended a St. Patrick's Day reception hosted by the ambassador in Beijing and met representatives of the Irish community in both cities. I also attended a presentation, Green Olympics, by the Beijing Olympic Committee. The total cost to my Department amounted to €19,977.

It should be noted that I paid a personal visit to Singapore, at the end of my visit to China, at my own expense. I took the opportunity during this visit to meet the Singapore Minister for the Environment.

Conservation of Buildings.

862. **Mr. Andrews** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on funding of the Maritime Museum, Haigh Terrace, Dún Laoghaire; and the condition of the Mariners Church which is in need of major investment to prevent its further deterioration. [19229/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Direct funding of museums is not provided by my Department. I understand, however, the Maritime Museum is housed in the Mariners' Church for which my Department made a grant of €20,000 in 2002 from the conservation grants scheme under the urban and village renewal operational programme.

Applications for grant assistance for the conservation of buildings listed in the record of protected structures may also be made to the appropriate local authority, in this case Dún Laoghaire-Rathdown County Council. Where approved, the standard amount of grant is 50% of the approved cost of works, up to a maximum of €13,000. Grant schemes operated by the Heritage Council may also be applicable to cases of this kind. Inquiries should be made directly to the council.

Water and Sewerage Schemes.

863. **Mr. McGinley** asked the Minister for the Environment, Heritage and Local Government the stage of planning the proposed sewerage scheme for Gweedore, County Donegal is at; when the project will proceed to tender stage; and

if he will make a statement on the matter.
[19241/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Gweedore sewerage scheme is included in my Department's water services investment programme 2004-2006 and construction is due to commence in 2005 at an estimated cost of €22 million. The submission of a water services pricing policy report and certificate of completion in regard to the planning aspects by Donegal County Council is awaited to enable the Department to finalise its examination of the preliminary report and contract documents for the scheme. Once the preliminary report and contract documents are approved by the Department, the council will be in a position to invite tenders for the scheme.

Local Authority Funding.

864. **Mr. Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if his Department has received an application from Kildare County Council for funding for the provision of a civic amenity site in Newbridge; and if he will make a statement on the matter.
[19261/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has not received such an application from Kildare County Council. We have received a number of other grant applications from this Council and have allocated capital grant assistance, totalling almost €2 million, for civic amenity facilities at Athy and Kilcock, and for a composting facility at Silliótt Hill.

Water and Sewerage Schemes.

865. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government when work will commence in the development of the Croom sewerage scheme. [19289/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Extensions to sewers and surface water drains have been completed in Croom under the serviced land initiative measure of my Department's water services investment programme. The Department has no further proposals from Limerick County Council relating to sewerage facilities for Croom nor was such a proposal included in the list of water services schemes submitted by the council in response to the Department's most recent request to local authorities to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments.

Social and Affordable Housing.

866. **Mr. Walsh** asked the Minister for the Environment, Heritage and Local Government if

the design for the affordable housing scheme in County Cork (details supplied) is complete; and when work will commence on this scheme.
[19300/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Cork County Council recently received a draft feasibility report from its consultants which set out, *inter alia*, a development concept for the site. Certain technical aspects, which require further consideration by the Council, are at present under review. It is understood that further public consultation will take place as soon as these issues have been addressed. Following this process detailed design and planning will be undertaken with a view to commencing work on the site as soon as possible. My Department, however, will continue to ensure that this project, along with all the other projects under the affordable housing initiative, is progressed as speedily as possible with the aim of having the earliest possible delivery of units.

Waste Management.

867. **Ms M. Wallace** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the concerns of groups (details supplied) regarding the fact that the UK has postponed the implementation of the waste electrical recycling law until January 2006 and that there is no indication yet from his Department that it intends to postpone same from 18 August 2005 to January 2006; if his attention has further been drawn to views among retail outlets here that there should be visibility regarding the recycling fee, shown and charged in order to keep a level playing pitch in the sector; and if he will make a statement on the matter.
[19384/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU directive on waste electrical and electronic equipment, WEEE, presents a challenge to all relevant stakeholder groups and its effective implementation will require a focused, committed approach from all concerned. Last April, I published draft regulations for the implementation of the directive and a consultation process with stakeholders, including the representative groups of the retail sector, is currently taking place. I made it clear that implementation was planned from the due date of 13 August next as prescribed in the directive.

Most waste in the short-term will be historic waste, that is, arising from electrical and electronic equipment placed on the market before 13 August 2005. The directive requires member states to allow producers to show purchasers, at the time of sale of new products, the costs of collection, treatment and disposal of the relevant waste in an environmentally sound way, for a lim-

[Mr. Roche.]
ited period. These costs, referred to in the draft regulations as environmental management costs, EMCs, are also known as “visible fees”. Issues in relation to the operation of EMCs are the subject of ongoing discussions between the representatives of producers and retailers which my Department is helping to facilitate. The outcome of this process and the various submissions received on the draft regulations as part of the public consultation will all be considered before the final detailed implementing regulations are made.

Grant Payments.

868. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the number of bog owners and those with turbary who are still awaiting their €4,700 top up payment; when payment will be issued; and if he will make a statement on the matter. [19507/05]

875. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when he intends to issue acreage top up payments to bog owners; and if he will make a statement on the matter. [19568/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 868 and 875 together.

I recently announced that the increased rates per acre agreed under Sustaining Progress for the sale of bog or turbary rights on raised bogs which are designated for conservation purposes would be paid retrospectively to all those who had settled at the previously agreed rates introduced in 1999. In line with commitments made to those who sold at the old rates under the 1999 scheme, the difference between the new and old rates will be paid by my Department, subject to an adjustment to reflect the change in the consumer price index since the original payments were made.

Individuals entitled to these retrospective payments have received notification from my Department. There are approximately 450 individuals involved. A small number have already received the balance of the new incentive payment. All the others will each receive one single payment from the Department comprising the balance of the new incentive payment and an acreage payment reflecting the difference between the new and old rates per acre. Arrangements are being put in place to issue payments as soon as possible.

Water and Sewerage Schemes.

869. **Mr. Deenihan** asked the Minister for the Environment, Heritage and Local Government the position of the Castleisland sewerage scheme; when this will go to tender; and if he will make a statement on the matter. [19508/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Stage 2 of the Castleisland sewerage scheme is included in my Department’s water services investment programme 2004-2006, as a scheme to commence construction in 2006, at an estimated cost of €5.5 million. Kerry County Council’s preliminary report for the scheme, together with the associated water services pricing policy report received last month, are under examination in my Department and will be dealt with as quickly as possible.

Water Quality.

870. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his Department’s views on an acceptable level of formaldehyde in lakes and rivers; if baseline figures exist; if not, the mechanisms he proposes to put in place in view of the dangers posed by contaminated water supplies; and if he will make a statement on the matter. [19553/05]

871. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his Department’s views on whether 0.5 parts per million of formaldehyde is an acceptable level; if he proposes to carry out independent research to examine possibly contaminated lakes and rivers; and if he will make a statement on the matter. [19554/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 870 and 871 together.

Formaldehyde is not commonly encountered in the management of Irish water quality. It is not prescribed in EU or national legislation as a substance to be regulated in relation to either drinking or environmental water quality and routine monitoring for formaldehyde is not carried out. My Department understands that while a standard of just 5 micrograms per litre has been proposed in the UK to protect fish life, this standard has not been formalised.

Environmental Policy.

872. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government if he has a supervisory or statutory role in relation to the operation of the Environmental Protection Agency; and if he will make a statement on the matter. [19555/05]

873. **Mr. Perry** asked the Minister for the Environment, Heritage and Local Government his views on whether the Environmental Protection Agency is fulfilling its role as originally set-up; if he proposes to carry out an evaluation of the agency in relation to original aims and objectives; and if he will make a statement on the matter. [19556/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 872 and 873 together.

I am satisfied that the Environmental Protection Agency, EPA, is discharging its functions in accordance with its statutory role. A strategic review of the organisation was completed and implemented by the Director General of the agency in 2003. In addition, arising from An Agreed Programme for Government of June 2002, the Office of Environmental Enforcement was established in October 2003.

My Department supports the EPA through providing funds, including from the environment fund for its organisational and programme requirements and through its responsibility for the legislative and policy framework for environmental protection. However the Minister for the Environment, Heritage and Local Government is precluded from exercising power or influence in relation to particular matters with which the agency is or may be involved.

EU Directives.

874. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government when he intends to submit the nitrates action plan to the EU; and if he will make a statement on the matter. [19567/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 194 and 286 of 18 May 2005.

Discussions involving officials of my Department, the Department of Agriculture and Food and the European Commission are ongoing in relation to Ireland's nitrates action programme and I expect to be in a position to submit a final version of the programme to the Commission within a matter of weeks.

Question No. 875 answered with Question No. 868.

Social and Affordable Housing.

876. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if his Department conducts any analysis of local authority housing waiting lists; if his attention has been drawn to the longest length of time an individual or family have been placed on such a list; and if his Department has any mechanism with which to intervene should people be on such lists for excessive periods of time. [19573/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department co-ordinates a statutory assessment of housing need every three years to determine the number of households in need of housing. The latest triennial statutory assessment of housing need took place in March

2005 and I anticipate publishing the results in September this year.

This assessment is the most comprehensive to date, requiring local authorities to collect data on all households on the waiting lists. This will assist the Department in determining future housing policy. The relative priority of households on the local authority waiting lists is determined in accordance with the authorities' schemes of letting priorities, the making of which is a function reserved to the elected members. It is the case that some applicants for local authority housing are on waiting lists for longer periods on the basis that their housing need has a relative lower priority compared with the needs of households who have been allocated housing.

The Government has responded actively to this increased level of social housing need and by expanding social and affordable housing output. New multi-annual action plans have been prepared by local authorities for the provision of social and affordable housing over the period 2004-2008. These are designed to assist local authorities in identifying priority needs over the coming years and providing a coherent and co-ordinated response across all housing services, including delivery of housing by the voluntary and co-operative housing sector.

Planning Issues.

877. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if he will meet with persons (details supplied) in County Offaly who have been in regular correspondence with his office; and if so, when such a meeting will be possible. [19574/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some correspondence has been received from the persons concerned seeking to discuss a particular development that is the subject of an appeal to An Bord Pleanála. The Minister for Environment, Heritage and Local Government is generally precluded under section 30 of the Planning and Development Act, 2000 from exercising any power or control in relation to any particular case with which a planning authority is or may be concerned. It would therefore be inappropriate for me to undertake a meeting on this matter at this time.

Hazardous Substances.

878. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if he will name the 78 dangerous substances mentioned in the EPA report issued in the 6 April 2001 in relation to item 24 of the European Court of Justice judgement C-282/02; the locations of where these dangerous substances were located within the State; and if a copy of the report will be made available. [19577/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Environmental Protection Agency instigated a survey of Irish surface waters in 1999-2000 to establish the occurrence of certain toxic metals, pesticides and other organic compounds. The survey related to 78 substances and the results are detailed in the EPA report entitled A Survey of Dangerous Substances in Surface Freshwaters 1999-2000, a copy of which is available in the Oireachtas Library.

The survey was carried out on a countrywide basis. A list of the substances targeted in the survey and a map illustrating the rivers surveyed and sampling points is included in the report. The selected sampling points were those sites where the presence of such substances was considered most likely to occur. The report indicated that there is no evidence of pollution from any of the targeted pesticides and other organic substances. In two cases concentrations of copper, lead and zinc were found which exceeded recognised limits in freshwaters. Pollution by copper, lead and zinc arose in the case of the Avoca River, which is seriously polluted as a result of past mining operations and which was subject of a recent study by the Eastern Regional Fisheries Board. The presence of lead was detected in the River Boyne but was not confirmed by subsequent sampling.

EU Directives.

879. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if the directive 2004/35/EC of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage has been transposed into national law as yet; if the environmental damage such as that caused at a company (details supplied) in Offaly falls within the remit of this Directive; and if transposition has not yet occurred, when it is due to happen. [19578/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ireland is working towards the deadline of 30 April 2007 for implementing the EU Directive 2004/35/EC on environmental liability. The directive will apply, *inter alia*, to installations which are subject to a permit under Council Directive 96/61/EC concerning integrated pollution prevention and control. This permitting requirement is being implemented in Ireland through EPA licensing under Part 4 of the Environmental Protection Agency 1992. The directive on environmental liability will not however apply to damage caused by an emission, event or incident that took place before 30 April 2007; damage caused by an emission, event or incident which takes place subsequent to 30 April 2007 when it derives from a specific activity that took place and finished before that date; and damage caused if more than

30 years have passed since the emission, event or incident resulting in the damage occurred.

Water Pollution.

880. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the costs expended by Ireland in defending a case in the Courts of Justice in view of the recent case taken against Ireland C-282/02, which Ireland lost on 2 June 2005; the costs expended by the European Court of Justice, that Ireland has been ordered to pay; the individual payments awarded to Ireland's legal representatives in relation to this case; and the man hours involved in defending this case. [19583/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The judgment of the European Court of Justice against Ireland in case C-282/02 included an order that the State should pay costs. It is not possible at this stage to indicate these costs, as they remain to be computed by the European Commission. I am advised by the Office of the Attorney General that counsel has not yet submitted a bill for the preparation of Ireland's defence and rejoinder.

Site Development.

881. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that the proposals for the development of Dún Laoghaire Baths and the Carlyle Pier are being assessed in full compliance with Department of Finance guidelines for the appraisal and management of capital expenditure proposals in the public sector and the guidelines for the provision of infrastructure and capital investments by way of PPPs; and if he will make a statement on the matter. [19625/05]

882. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the financing of the proposed development of Dún Laoghaire Baths and Carlyle Pier has or will be considered by the National Development Finance Agency; and if he will make a statement on the matter. [19626/05]

883. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government when he will receive a detailed financial appraisal of the proposed development projects at Dún Laoghaire Baths and Carlyle Pier and a detailed PPP assessment as required by the Department of Finance guidelines; and if he will make a statement on the matter. [19628/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 881 to 883, inclusive, together.

The land at Carlyle Pier is owned by Dún Laoghaire Harbour Company. My Department

has no function in relation to this proposed development. The baths site is owned by Dún Laoghaire-Rathdown County Council and I am aware that the council has put proposals for redevelopment of this site on public display. I understand that the Council has not yet made a decision as to what development will take place. If the council decides to proceed with a project at the site, it will be required to comply with Department of Finance capital appraisal guidelines.

If the project is to be procured as a public private partnership, PPP, the council will be required to comply with the various administrative requirements, which are specified by my Department in connection with the sanctioning and processing of PPP projects in the local government sector. Financial assessment by the National Development Finance Agency is required for projects exceeding €20 million. No PPP proposal has been submitted to my Department to date.

National Parks.

884. **Mr. Gogarty** asked the Minister for the Environment, Heritage and Local Government if the Office of Public Works will use all local media and possibly door-to-door deliveries to ensure that all residents in towns adjoining the Liffey Valley are made aware of and can contribute to the planned feasibility study on the creation of a Liffey Valley park. [19808/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): This proposal is being co-ordinated by the Office of Public Works which placed advertisements in the daily newspapers on 27 May 2005 advising of the appointment of consultants to undertake a feasibility study on a Liffey Valley park and seeking submissions from the public. My Department understands that, the consultants also engage in consultative meetings. Local media will thus be afforded good opportunity to cover the issues involved. Further details about this initiative may appropriately be sought from the Office of Public Works.

Coastal Erosion.

885. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he has allocated or intends to allocate funding to halt the coastal erosion and remediate the old landfill site north of Bray Harbour that straddles the administrative boundaries of Wicklow and Dún Laoghaire-Rathdown County Councils; the works already undertaken to address this issue; and if he will make a statement on the matter. [19835/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I understand that Wicklow and Dún Laoghaire-Rathdown

County Councils are in consultation regarding the carrying out of trial digs and the taking of samples to facilitate a risk assessment for this site and the further action may be required following this.

In addition, I recently issued under section 60 of the Waste Management Act 1996 a direction to all local authorities requiring them to ensure that the requirements of section 22 of that Act are fully met in the current review of their waste management plans. Section 22 states that a waste management plan shall include information on the identification of sites at which waste disposal or recovery activities have been carried on; the assessment of any risk of environmental pollution arising as a result of such activities; measures proposed to be taken or, where such an assessment has already been made, measures taken to prevent or limit any such environmental pollution; and the identification of necessary remedial measures in respect of such sites and measures proposed to be taken or, where such measures have already been identified, measures taken to achieve such remediation having regard to the cost-effectiveness of available remediation techniques.

In response to the policy direction the Environmental Protection Agency is preparing a code of practice for assessing the risk posed by such sites. Clearly, there may be cost implications in relation to the remediation of older sites, such as the Bray site, which are or were in the ownership of local authorities. Pending the outcome of the section 22 process it is not possible to quantify the extent of future costs in this regard.

Local Authority Housing.

886. **Ms B. Moynihan-Cronin** asked the Minister for the Environment, Heritage and Local Government if he will provide funding for a sheltered housing scheme (details supplied) in County Kerry; if he has received and is considering an application for grant aid for the project; and if he will make a statement on the matter. [19864/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): An application for funding under the voluntary housing capital assistance scheme has been received from Kerry County Council, which is responsible for the detailed administration of the scheme in its area. The application is under examination and the council will be advised of the outcome as soon as possible.

Waste Disposal.

887. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government the capital expenditure which has been expended by his Department on waste disposal technologies

[Mr. Boyle.]
other than landfill or incineration since 1997; and the amount expended on each technology.
[20026/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Capital funding is not made available by my Department for the construction of facilities for final disposal of waste. In the Dublin and the south-east waste management regions limited grant assistance has been provided from the environment fund on a pilot basis to assist the development of infrastructure solutions by means of public private partnerships.

Capital funding provided by the Department for waste infrastructure construction is specifically directed at recycling and recovery infrastructure; bring centres, civic amenity sites, materials recovery facilities at which recyclables collected largely at kerbside are separated into individual waste streams which are more readily recyclable and therefore of much higher value, and various biological treatment facilities, including composting.

All these facilities treat waste as material for recovery or recycling and as such are not disposal facilities. Some €50 million in capital assistance has been made available for these facilities. A subvention is also provided towards the operating costs of bring centres and civic amenity sites.