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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. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the disgraceful situation concerning a young pupil with Down's syndrome assessed as having a mild disability, who was to start school in September 2005 in a class of 26 junior infants and who has been refused resource teaching hours; the need to ensure that this scandalous situation accords with disability legislation and the need to ensure appropriate education opportunities for this pupil and other pupils with disability. Within 24 hours of the Disability Bill being completed, it is an absolute disgrace——

An Ceann Comhairle: It is not appropriate to go beyond the notice submitted to my office.

Mr. F. McGrath: —— that a child with disability is being refused a service.

An Ceann Comhairle: The Deputy may not use Standing Order 31 in this manner.

Mr. F. McGrath: With respect Ceann Comhairle, but just 24 hours after the Disability Bill passed through the Houses, a child with a disability has been refused a service.

Mr. Ring: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the jailing of five innocent landowners from Rossport, County Mayo, who object to the proposed gas pipeline on health and safety grounds. They are trying to protect their lands, families and livelihoods, given that there are two alternative routes for the gas pipeline. One was stopped owing to cost implications or to save Shell some money. The other was stopped for environmental reasons to preserve birds and plants but with no concern for residents.

This project has been supported by the county council and Government and all the resources of the State were put behind it. The views and safety concerns of the residents were not taken into account although they will have to suffer the consequences of the proposed pipeline. I ask that we discuss this issue this morning. Five innocent men are in prison and we want these people out of prison. It is not right. There are people in prison.

An Ceann Comhairle: The fact that Deputy McGrath went outside the Standing Order does not allow Deputy Ring to do so.

Mr. Ring: Five of my constituents are in prison this morning while the people who should be in prison are not. Shame on the Government.

An Ceann Comhairle: For the information of the House, there are 11 Members with motions under Standing Order 31. The Standing Order is quite specific. A Member cannot go beyond the notice submitted to my office.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the jailing of five landowners from County Mayo who have genuine health and safety concerns and who still await the publication of the independent quality risk assessment on the laying of that pipeline at Ballinaboy in County Mayo.

Mr. Broughan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Communications, Marine and Natural Resources to intervene to seek a resolution of the dispute between local residents and the Shell oil company in north Mayo following the outrageous jailing of five local residents, and to ask the Minister to appoint urgently an independent arbitrator and to request the Shell oil company to waive immediately the court order which it sought to jail these five citizens.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the restructuring of the Teagasc advisory service, which entails the closure and sale of many offices throughout the country at a time when the Minister of Agriculture and Food advises that finance for Teagasc is not a problem and when the Department returned €383 million to the Department of Finance over recent years. Never before did farmers need so much advice to deal with the single payment system and the nitrates directive.

Mr. J. Higgins: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the jailing of five small landholders and residents in north Mayo at the behest of the Shell corporation; the fact that Shell
[Mr. J. Higgins.] is allowed to lay a pipeline for raw natural gas without the risk assessment report on the project being published and debated, in advance of the Minister for Communications, Marine and Natural Resources signs any consent order and before a comprehensive hearing on all the substantive issues in the High Court scheduled for the autumn; the need to debate why Corrib gas, a major natural resource off the west coast, should be handed over to a multinational corporation with not a penny in royalties for the people. That is absolutely disgraceful.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the scandalous jailing of five Rossport residents who have been in mortal fear of their lives and the lives of their families due to the imposition of a potentially lethal gas pipeline on their lands and who have done no wrong except to assert their right to be left in peace in their own homes. I call the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to intervene urgently with Shell to ensure their immediate relief. This is utterly disgraceful. Those people should not be in jail.

**An Ceann Comhairle:** I ask the Deputy not to take lessons from his colleague, Deputy Ring.

**Dr. Cowley:** It is the Minister who should be in jail. Government Deputies will have to stand up and account for themselves. It is a disgrace.

**Mr. Naughten:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the disgraceful and unjustifiable circumstance in which eight inspectors visited one part-time farmer to evaluate his eligibility in respect of 48 acres of farmland under cross-compliance regulations. There is an immediate need for the Minister for Agriculture and Food to outline the reasons for this farcical matter what the extent of the notification. The Minister must provide that farmers will be given up to 14 days notice of on-farm inspections rather than subject to on-the-spot inspections which are both impractical, as many farmers work part time, and unwarranted, as inspections are based on farmland itself which cannot be tampered with no matter what the extent of the notification.

**Mr. Sargent:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter which was also raised on the Adjournment last night: the need for amended legislation and a prompt payment ombudsman to address the withholding of legitimate payments involving millions of euro by, in the main, certain large companies to subcontractors which continues to result in serious cash-flow problems for small and medium size businesses and which has also caused the inexcusable intimidation of people who are themselves victims of non-payment.

**Mr. Eamon Ryan:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the imprisonment of five men from Rosspert, County Mayo as a result of their campaign simply to seek reassurance from the Department of Communications, Marine and Natural Resources and Shell Ireland Limited as to the safety of the proposed high-pressure gas pipeline carrying untreated and unpurified gas in bogland in close proximity to their homes.

**Ms Cooper-Flynn:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the jailing of five Mayo people on foot of their opposition to the routing of the Shell gas pipeline in north Mayo. I call on the Minister for Communications, Marine and Natural Resources to personally intervene in the impasse between the landowners concerned and the exploration company as a matter of extreme urgency.

**An Ceann Comhairle:** Having considered the matters raised, I do not consider them to be in order under Standing Order 31.

**Mr. Ring:** On a point of order, how many Members does it take to have a matter of national importance discussed?

**An Ceann Comhairle:** That is not a point of order.

**Mr. Ring:** It is a point of order.

**An Ceann Comhairle:** If the Deputy has a problem with Standing Order 31, I will be glad to discuss it with him.

**Mr. Ring:** I would like to know how we can have the matter discussed on the floor of the Dáil today.

**An Ceann Comhairle:** If we cannot resolve the problem and the Members wish to change Standing Order 31, the Chair will implement the new Standing Order.

**Mr. Rabbitte:** A Cheann Comhairle, are there any circumstances in which you would concede to a request to move the adjournment under Standing Order 31? The matter in question can be revisited by Shell waiving its rights under the order and negotiating a simple resolution. The Tánaiste should concede a few minutes during the day for Members to record the above as the wishes of Dáil Éireann.

**Deputies:** Hear, hear.
An Ceann Comhairle: The Chair has studied the matter and is of the view that Standing Order 31 does not apply.

Mr. Durkan: A Cheann Comhairle, can you facilitate Members?

An Ceann Comhairle: The Chair has ruled on the matter and we are not having a debate about it.

Mr. Durkan: On a point of order, is it possible to allow a private notice question today to facilitate some discussion of the matter?

An Ceann Comhairle: A private notice question submitted to the Office of the Ceann Comhairle will be considered in the usual way.

Mr. Stagg: If the House is agreed, will the Tánaiste indicate that she will provide an hour to debate the matter during the day? There is spare time available as debates were shorter yesterday than expected.

An Ceann Comhairle: In response to Deputy Durkan, the Chair will give sympathetic consideration to a private notice question.

Mr. Stagg: The Tánaiste might get up off her seat and respond to the House, or is she stuck to it?

Mr. J. Higgins: A Cheann Comhairle, you must change the formulation by which you dismiss all requests to move the adjournment stating that they are not in order under Standing Order 31. They are in order under Standing Order 31, but you decide to exercise your discretion not to allow a debate to happen. That should be reflected in the form of words used.

An Ceann Comhairle: The Chair has ruled on the matter and responded to Deputy Durkan that a private notice question will receive favourable consideration.

Mr. J. Higgins: Yes, but you will have to change the formulation you use because we are in order. It is your choice not to allow a debate.

An Ceann Comhairle: Deputy, if you are not satisfied with any Standing Order, you should arrange to have it changed. The Chair will be absolutely delighted to implement any new Standing Order.

Mr. J. Higgins: Standing Order 31 is in place to allow matters of national importance to be debated.

An Ceann Comhairle: We are not having a debate on it.

Mr. J. Higgins: The jailing of five decent people due to the actions of a multinational corporation is a matter of national importance.

An Ceann Comhairle: I accept that anything raised under Standing Order 31 is a matter of national importance in the eyes of the person who raises it. It must also be in accordance with the terms of the Standing Order, however. We now move on to the Order of Business.

Mr. Stagg: Is the Tánaiste ignoring previous statements?

The Tánaiste: I will have a suggestion on that later, if that is in order.

Order of Business.


It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 4.45 p.m. and business shall be interrupted not later than 7.30 p.m. and the sitting shall be suspended from 1 p.m. to 1.30 p.m.; Nos. 15, 16, 17 and 19a shall be decided without debate; the proceedings on No. 3 shall, if not previously concluded, be brought to a conclusion after 90 minutes and any amendments from the Seanad not disposed of shall be decided by one question which shall be put from the Chair and which shall, in relation to amendments to the Seanad amendments, include only those set down or accepted by the Minister for Finance; the proceedings on No. 4 shall, if not previously concluded, be brought to a conclusion after 30 minutes and any amendments from the Seanad not disposed of shall be decided by one question which shall be put from the Chair and which shall, in relation to amendments to the Seanad amendments, include only those set down or accepted by the Minister for Education and Science; the proceedings on No. 4a shall, if not previously concluded, be brought to a conclusion after 90 minutes and any
amendments from the Seanad not disposed of shall be decided by one question which shall be put from the Chair and which shall, in relation to amendments to the Seanad amendments, include only those set down or accepted by the Minister for Education and Science; and the Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 3.30 p.m. and the business to be transacted shall be announced on the Order of Business in accordance with Standing Order 26 on that day.

An Ceann Comhairle: Is the proposal for the late sitting agreed to?

Mr. Kenny: Do I take it that the private notice question referred to earlier will be considered favourably?

An Ceann Comhairle: Yes.

Mr. Kenny: I was going to propose to use the sos period to take it.

An Ceann Comhairle: Is the proposal for the late sitting agreed to? Agreed.

Is the proposal for dealing with Nos. 15, 16, 17 and 19a agreed?

Ms McManus: It would be negligent of the House to pass the motions without debate given the extraordinary decision of the Minister for Health and Children not to introduce risk equalisation. Her decision is now being viewed as a capitulation to one insurer in the market. She has disregarded the advice of the Health Insurance Authority which was established by the House and is the expert body in this area. While the authority twice advised against risk equalisation, it has recommended on this occasion that it should be introduced to protect competition in the market. The Tánaiste had indicated she would proceed on that basis, but has now decided otherwise. There is no clear explanation as to why she is abandoning for the moment a safeguard to the common good and individual subscribers, many of whom are now worried about the inevitable costs which will result from her failure to make a decision.

I call for the allocation of an hour for a debate. We have spare time to permit proper debate and scrutiny of risk equalisation because the Driver Testing and Standards Authority Bill was concluded yesterday, even though time was provided for it today. The Tánaiste must take the good advice she was given by the body established by this House to consider the matter. She has not explained adequately why she has done this and she has linked the status of the VHI to the lack of decision for which she is responsible. There is no connection. It does not make sense. As the Irish Congress of Trade Unions has pointed out, the net effect of what she has done is to continue——

An Ceann Comhairle: The Deputy has made her point. We cannot have a debate on it now. We are dealing with proposal No. 1.

Ms McManus: —— a windfall profit of €30 million to a British multinational that is subsidising its costs in Britain because of the high profits it is making here.

An Ceann Comhairle: The Deputy has made her point.

Ms McManus: I wish to propose an amendment to the Order of Business to ensure this matter is given public scrutiny so that people can know what is being done in their name.

An Ceann Comhairle: The Deputy should give the words of her amendment.

Ms McManus: I propose an amendment to the Order of Business to allow for a debate on these three motions lasting one hour.

Dr. Twomey: I fully support that. I also believe we should have a debate on risk equalisation. It is a very important issue that relates to community rating in the private insurance market. Many Members would like to make known their views on this. Up to this point, most of the debate on the matter has been within the Joint Committee on Health and Children. I fully support a debate in the House on this issue.

Mr. Sargent: The Green Party also seeks such a debate. This omnibus approach to dealing with motions does not acknowledge that not only do they come from different Departments and are the responsibility of different Ministers, they also do not even get the basic acknowledgement that they stand on their own merits. I ask that they would be taken separately in future.

An Ceann Comhairle: The Deputy is wrong. Each of them will be taken separately. They will be put to the House separately.

Mr. Sargent: Separately for the nod. I propose they be acknowledged as motions in their own right.

An Ceann Comhairle: This is purely a motion that they be taken without debate.

Mr. Sargent: That is what I mean — on the nod.

An Ceann Comhairle: Yes.

Mr. Sargent: That is the only word for it.

The Tánaiste: I am more than happy to facilitate a debate on this matter. For the record, the Act that was brought in by Deputy Howlin when he was Minister for Health left discretion for this matter with the Minister for Health and Children. The Minister of the day used that discretion. I
took the advice of the advisers that had been appointed — Mercer — one of the leading actuarial companies, not only in Ireland but in Europe in regard to this matter. I would be very happy to have a debate, perhaps immediately after the Order of Business, but if that is not convenient for the Deputies, I am prepared to facilitate a debate for one hour.

An Ceann Comhairle: May we have an indication of how that debate will be structured and the number of speakers?

The Tánaiste: I suggest four 15 minute slots and a five minute wrap-up, if that is in order. That would amount to one hour and five minutes.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Stagg: I wish to record again the objection to unnecessary guillotines. As was proven yesterday, we had a number of guillotines that were not required. It is very bad parliamentary practice to have guillotines on debates, especially when they are not needed, and yesterday proved that was the case.

An Ceann Comhairle: Is the proposal for dealing with No. 4a agreed? Agreed. Is the proposal for the sitting and the business of the Dáil tomorrow agreed?

Mr. Kenny: Am I to understand the Dáil will rise tomorrow and will not sit next week? Is there an Order of Business tomorrow morning?


Mr. Kenny: I am pleased the Tánaiste has conceded to a special notice question in respect of a serious matter, as the Ceann Comhairle has confirmed, namely, the jailing of five persons for contempt of court. I hope that can be dealt with satisfactorily today to some extent.

Under the Constitution, the Government is responsible to the Dáil and one of the ways of exercising that accountability is through Leaders' Questions. Yesterday the Taoiseach, in response to questions in the House, indicated that from his perspective the National Aquatic Centre was damaged by wind alone. In respect of that Bill and in respect of his withholding critical information from the House, do I take it that the Tánaiste agrees with the Taoiseach that——

An Ceann Comhairle: That does not arise on the Order of Business. Does the Deputy have a question on promised legislation?

Mr. Kenny: ——he was correct in withholding critical information from the House about an inherent design fault in that building.

An Ceann Comhairle: There is no provision for Leaders' Questions today.

Mr. Kenny: Has the Tánaiste discussed with the Taoiseach——

An Ceann Comhairle: If the Deputy has a question appropriate to the Order of Business, we will hear it.

Mr. Kenny: ——a statement to the House confirming that his information to the House yesterday was wrong?

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

Mr. Kenny: Is the Tánaiste prepared to discuss it with him because this is a matter of €62 million?

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

Mr. Kenny: Does the Progressive Democrats Party intend to stand over this as well?

Mr. Rabbitte: Maybe we could put the ducks that are in trouble into the aquatic centre.

Mr. Durkan: They would be drowned.

Mr. J. O’Keeffe: They would be quite safe; there is no water there.

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte should be allowed to speak without interruption. He should say something appropriate to the Order of Business.

Mr. Rabbitte: According to the Minister of State, Deputy Brian Lenihan, everything was hunky dory.

Mr. Howlin: Crisis, what crisis?
Mr. J. O’Keeffe: The Minister responded with a smile.

Mr. Rabbitte: The Tánaiste undertook on 15 June to have the line Minister furnish me with the legal advice on the——

(Interruptions).

An Ceann Comhairle: Deputy Rabbitte should be allowed to speak without interruption.

Mr. J. O’Keeffe: Mobile advice is in operation at the moment.

Mr. Rabbitte: I gather the information is on the way.

Mr. M. Higgins: That was the ducks.

A Deputy: No, the Mayo five from Mountjoy.

Mr. Rabbitte: I am waiting for the Minister to brief the Tánaiste. I know he does not read complex advice but all he has to do is transfer it to me. He does not have to read it. All he has to read is notes that say he should not forget his photo shoot at 12 noon. Reading complex briefs are not expected in that Department.

The Tánaiste is aware that there has been much goodwill towards her in her appointment as Minister for Health and Children, including from these benches. It is generally accepted that she has not had much good luck. As things get worse in the health service, before the House rises, can she offer the citizens any hope that matters will improve? In particular, what does one say in reply when one is asked what is the position of Government on the Hanly report?

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

Mr. Rabbitte: What is the position of Government on the Hanly report?

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

Mr. Howlin: Is legislation promised?

Mr. Durkan: It is a straightforward question.

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

The Tánaiste: A number of issues arose. When the Taoiseach was responding to Deputy Kenny in regard to the aquatic centre, he was quoting from a report done on behalf of CSID by Rohcon. Obviously these matters——

Ms Burton: Rohcon did not do it.

The Tánaiste: I am reading a note as well.

Ms Burton: This is misleading us further.

An Ceann Comhairle: I ask Deputy Burton to allow the Tánaiste to continue. It just proves the point that we would be better if we stayed within Standing Order 26 on the Order of Business.

Ms Burton: Kavanagh Mansfield and Partners did it. That is the name.

The Tánaiste: I am reading the same note the Taoiseach read.

Ms Burton: In that case, her briefs are all wrong.

The Tánaiste: It advises me that Rohcon gave advice.

Ms Burton: No wonder the centre is leaking.

The Tánaiste: In any event, advice was given to CSID, and it is from this that the Taoiseach was quoting. As the Deputy is aware, these contractual issues are now matters for the court.

Mr. Stagg: That is why we could not have the tribunal——

Mr. Allen: Political accountability also.

The Tánaiste: The Government takes political responsibility for putting the 50-metre pool in place. Most Members wanted to have it in advance of the Special Olympics. The contractual arrangements are matters for others.

Mr. Howlin: That was an indoor facility, however.

The Tánaiste: On Deputy Rabbitte’s point, the Hanly report is essentially about creating regional autonomy and ensuring that consultants work on rosters in a team-like manner and discharge for each other. One hospital in Dublin, Blanchardstown Hospital, has already implemented the main recommendation of the report. It is Government policy to have regional self-sufficiency in so far as possible.

On whistleblowing——

Mr. Stagg: So the Government is implementing the recommendations of the Hanly report in full.

The Tánaiste: We will have regional self-sufficiency so people will not have to come to the Dublin area——

Mr. Stagg: That means self-sufficiency is equal to Hanly.

An Ceann Comhairle: The Tánaiste, without interruption, please.

The Tánaiste: We will have——

Mr. Stagg: What will happen to Naas Hospital?
Mr. Martin: We built Naas Hospital.

The Tánaiste: We will have the consultant manpower at regional level to provide a service.

Ms McManus: What about the accident and emergency units?

The Tánaiste: We have no service in some specialties in many of the regions, which is not good enough.

Ms McManus: What about the accident and emergency units?

Mr. Stagg: Dump on Naas Hospital.

An Ceann Comhairle: Sorry, Tánaiste, we cannot have a debate on this subject this morning. A short answer to the question should be given.

The Tánaiste: I am sorry. To respond to Deputy Rabbitte, when I informed the House there was legal advice, I was wrong. It was not legal advice but other advice. It was not actually the Attorney General’s advice but official advice on the difficulties that would arise if the whistleblowing legislation applied to companies outside Ireland with a subsidiary in Ireland. I am told the Minister for Enterprise, Trade and Employment intends to bring proposals to the Government on this matter in the next couple of weeks.

Mr. Rabbitte: For the past three years, different Ministers and the Taoiseach have answered questions on the whistleblowers Bill on the basis that the law officer had advised that it was better to import it sectorally into various legislation. The Tánaiste undertook to furnish me with that advice. She now tells me there was never any such advice and that officials had advised her. This confirms my view of this Government that there are some Ministers who sign anything and accept any kind of advice.

An Ceann Comhairle: The Tánaiste, on legislation.

Mr. Sargent: Will the Ceann Comhairle give some indication of the timescale involved if he agrees to a private notice question on the imprisoned Mayo men?

On promised legislation, might it be taken into account that the kind of tornado that took the roof off the aquatic centre will increase in intensity with climate change? The Building Control Bill, which refers to the building sector, which offers the greatest potential for energy efficiency, has been delayed since 2003. Unless the Tánaiste wants to lose a few more roofs, it might be a good idea to publish that legislation urgently.

An Ceann Comhairle: The Tánaiste, on the legislation.

Mr. Sargent: When will it be published and will the Tánaiste use the opportunity to indicate whether the conditions for the prompt payment of those in the construction sector could also be updated and made more effective in that legislation?

An Ceann Comhairle: The Tánaiste, on the legislation.

Mr. Sargent: It is not working for the building sector.

An Ceann Comhairle: Sorry, Deputy——

Mr. Sargent: I asked when the Building Control Bill would be published. It was promised in 2003.

The Tánaiste: I understand it will be in the autumn session.

Mr. Sargent: Which year?

The Tánaiste: Of this year.

Mr. Kenny: On the National Aquatic Centre, I could paraphrase Rhett Butler and say, “Frankly, my dear, they don’t give a damn.”

Mr. D. Ahern: We are laughing.

Mr. O’Dowd: We are laughing at the Minister for Foreign Affairs, Deputy Dermot Ahern.

Mr. Durkan: We would not even laugh at the Minister any more. It is much too serious for that.
Mr. D. Ahern: Deputy Kenny expects it.

Mr. P. McGrath: The Minister is good at climbing trees.

An Ceann Comhairle: Deputy Kenny without interruption, please.

Mr. Kenny: Will the Tánaiste confirm that she has received information and findings from the Blood Transfusion Service in recent days that would warrant a public statement in the Dáil? If so, does she intend to make such a statement to the House before it rises for the summer recess?

The Tánaiste: On the National Aquatic Centre, it is important that we all know the difference between wind, hot air and tornadoes.

(Interruptions).

Mr. Rabbitte: It is important that we know the difference between “indoor” and “open air”.

Mr. McCormack: There is plenty of hot air on the Government side.

Mr. J. Higgins: I hope most members of the Government are on the roof the next time a tornado hits it.

Mr. Connaughton: From a weight point of view, they will not hold much down.

The Tánaiste: To be helpful regarding the last issue Deputy Kenny raised, I would like to talk to him privately thereon. I would be happy to make a public statement on the matter but a family is being spoken to today regarding the issue. I would appreciate if the Deputy understood that the sensitivities of the family must be respected before a public statement is made on the matter.

Ms McManus: Will the Tánaiste extend the same invitation to me?

The Tánaiste: I will.

Ms Burton: Will the Taoiseach and the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher, who responded to an Adjournment matter I raised the night before last on the National Aquatic Centre—

An Ceann Comhairle: That does not arise on the Order of Business. The Deputy raised the matter on the Adjournment.

Ms Burton: You are the Ceann Comhairle. It is your job to ensure that the Ministers do not tell untruths—

An Ceann Comhairle: It is not appropriate on the Order of Business. The Deputy raised the matter on the Adjournment.

Ms Burton: ——caused by wind. It was not caused by wind.

Ms Burton: ——in accordance with—

An Ceann Comhairle: The Deputy cannot raise the matter in this fashion. I ask her to resume her seat.

Ms Burton: ——or mislead the House.

An Ceann Comhairle: It is not my job. I call on Deputy James Breen.

Ms Burton: ——to make a statement on misleading the House over the National Aquatic Centre?

Ms Burton: ——Have they made a request to the Tánaiste to make a statement to the House?
An Ceann Comhairle: We will proceed to No. 15, motion re proposed approval by Dáil Éireann——

Mr. O’Dowd: The ducks are coming home to roost.

Mr. J. Breen: A Cheann Comhairle, now that we are about to have a long summer holiday, what advice can the Tánaiste offer the hundreds of people in the hospitals and at home suffering from the MRSA superbug? She has been blatantly arrogant in refusing the victims——

An Ceann Comhairle: That does not arise on the Order of Business. That question has been raised before and was ruled out of order on the Order of Business.

Mr. J. Breen: The Ceann Comhairle should have the manners to listen to me for a minute.

An Ceann Comhairle: I suggest the Deputy find another way to raise the matter.

Mr. J. Breen: Have a small bit of manners, a Cheann Comhairle, and hear me through, please.

An Ceann Comhairle: We will proceed to No. 15, motion re proposed approval——

Mr. J. Breen: If, when I come back into this House in October, the Tánaiste has not agreed to meeting the victims, I will not walk out. I will have to be carried out of the House. I have suffered from the MRSA superbug. One should look at my hand. I cannot raise my arm above my head because of it. The Tánaiste ignores the victims.

An Ceann Comhairle: We will proceed to No. 15——

Mr. J. Breen: How long more can she ignore it? There has been blatant arrogance on the part of the Government.

An Ceann Comhairle: ——motion re proposed approval by Dáil Éireann of the risk equalisation (amendment) scheme 2005. Nos. 15, 16, 17 and 19a are being discussed together.

Health Insurance: Motions.

Tánaiste and Minister for Health and Children (Ms Harney): I move:

That Dáil Éireann approves the following scheme in draft:

Risk Equalisation (Amendment) Scheme, 2005,

copies of which have been laid in draft form before Dáil Éireann on 15 June 2005.

The purpose of the three sets of regulations is to bring greater clarity to the reporting arrangement required by the health authority regarding insurers. We discussed these matters at last week’s committee and most members were in support. One of the regulations is consequential on my extension of insurance cover to persons over 65 years. Up until now insurers in the Irish market were not required to take on people over that age. This cover is subject to a period of two years, or 104 weeks, during which the person will not be able to claim cover except for an accident or something which is inflicted upon them, as opposed to something which might happen by virtue of their age or medical condition. This extension is to be welcomed. As a result of that, the regulation regarding minimum cover is necessary and the first regulation relates to greater clarity.

The purpose of this morning’s short debate is to deal with my decision regarding risk equalisation. Community rating, to which the Government is very strongly committed, is maintained under the Health Insurance Acts. I am a fan of community rating, which effectively means that, regardless of age or medical condition, people pay the same amount for the same policies. This has made insurance much more affordable to a large cross-section of the Irish community. Just less than 2 million people in this country have private health insurance.

VHI has 80% of the private health insurance market, BUPA has between 19% and 20%; and VIVAS Health, the new entrant, has approximately 1%. The Minister for Health and Children is required to introduce risk equalisation. In fact, there is no option. The market equalisation percentage, MEP, must reach 10%, and one cannot introduce risk equalisation if the figure is below 2%. The MEP is the difference between what a particular insurer pays for people in different age categories and what the overall insurance market would pay if it had the same percentage of people in different age categories from the total number of people insured.

When the Health Insurance Authority, HIA, reported on two previous occasions the MEP was 3.7% in the first instance and the authority recommended not to trigger risk equalisation. On the second occasion it was 3.5% and again the HIA recommended not to trigger risk equalisation. It was 4.7% on this occasion and the authority recommended that risk equalisation be introduced. However, in its report, the HIA stated that 0.7% of the 4.7% could be accounted for by one-off factors. BUPA does not have many customers who are over 80 years, but the average pay-out for people over that age is €300,000 which the HIA considered to be an unusually high figure. Therefore it might have been a one-off and not representative of the sort of pay-out for people in that category. It could have distorted the figure by 0.7%. This is relevant in respect of court proceedings.

VIVAS Health, a new company to the market, is required to put 50% of its premium income aside for reserves. VHI has no such requirement; it has a derogation, is protected and does not need to meet that market condition. A case is
being brought before the Irish courts by BUPA and another case is being brought to the European Court regarding that derogation. Other competitors in the market must meet a reserve requirement which is not required of the VHI. This is an unsatisfactory and untenable situation.

I want to bring a memorandum to the Government in September with a view to moving towards full commercialisation of VHI. It will take some years before companies do not have such reserve requirements and are able to meet the requirements of the Irish Financial Services Regulatory Authority which currently requires a reserve of 50%. This is particularly high when compared to the UK, where it is 20%, and Northern Ireland. We should have, at European level, a common figure for health insurers in terms of the reserve requirement. This factor clearly affects competition in the market, in particular that brought to bear by the new entrant.

I remain a strong fan of risk equalisation and we cannot have community rating without it. It is not a question of whether we will do it but rather when.

I am required by law, when I get a recommendation, to consult all the players in the market. In this instance, the players were VIVAS Health, VHI, BUPA and the ESB, who are part of the risk equalisation scheme. The Garda and prison officers’ scheme decided to opt out of risk equalisation when it was introduced. I am required to write a letter in a certain form, which might have led to the impression that I had made up my mind to do it. I am required before making my decision, notwithstanding the recommendation of the HIA, to consider all submissions made to me, which I did. I read them over the weekend and was particularly taken with some of the comments made by VIVAS Health.

With regard to BUPA, if I was to be influenced by a lobby then the largest lobby is that with 1.5 million and not with 400,000. I am a member of VHI and would have had a particular interest. If a lobby was to affect my decision, it would have been the biggest and not the smallest lobby that did so. I was very much influenced by the comments made by VIVAS Health.

BUPA benefits from risk equalisation in Australia, which has 26 insurers for 8 million people. Ireland has 4 million people and 3 insurers. Until we have more insurers and better competition, we will not get the desired rates and innovation. The reality in many markets is that if there are only two players, they tend to track each other.

VHI has some 150,000 more customers than it had before BUPA came into the market. More and more people are getting private health insurance and many joining today might not have considered it in the past but it is now part of their employment package. This is a welcome development because it extends private health insurance to a new category of customer.

The Minister is required to take advice and a number of years ago the Department of Health and Children appointed Mercer, a leading international actuary firm. The advice is always balanced, and there are very strong reasons to do it and also not to do it. Mercer advised me, on balance, not to do it and I am prepared to make its advice available. I also had the advice of the HIA and my own advisors. This is a close call and could go either way. However, we have not even achieved half the rate in terms of the MEP required to make it mandatory to introduce risk equalisation. The Minister has no option when the MEP reaches 10%. We are only at 4.7%, 0.7% of which might be one-off factors.

These are the reasons behind my decision and people should not say there is no link with commercialisation of VHI. Risk equalisation is important to maintain competition and community rating. It is also necessary for all players to have the same reserve requirement. Otherwise the market is distorted. It is clearly unfair if one company must put aside 50% of its premium income into a reserve fund each year and the dominant market player is not required to do so. That is why there is a link with it being necessary for VHI to move towards commercialisation.

VHI has a travel insurance product which is only available to its own members. One cannot join that scheme if one is not a VHI private health insurance subscriber. This is a huge advantage for the 1.5 million people who are able to avail of the product which is not available to its competitors. VHI requires the Minister’s approval to go into new areas of business. I want it to have commercial autonomy so it can make whatever decisions it wishes. I want a healthy, vibrant health insurance market in Ireland and we can have it. However, we need more players.

Once triggered, it is impossible to turn back the clock on risk equalisation. If I trigger it, VIVAS Health will have to come into risk equalisation in three years’ time, as would any new entrant to the market. They have three free years. Therefore, we must ensure we are getting it right before triggering something that we know will have a major impact on the market. The HIA said in its report that if I did not trigger risk equalisation, that would not have a major adverse effect on the market. If it was not going to cause instability in the market, clearly I would have done it.

VHI made more profit last year — over €77 million — than it did when it operated in the market on its own. That is a fact. We have a healthy insurance market and I want to maintain that. On this occasion I decided not to trigger risk equalisation. However, that does not mean it might not be done in six months or a year from now. The HIA is required to report to me in six months. There is also a case before the courts where some of these issues will be dealt with and that was clear from our discussions last week. The court has stated the Minister for Health and Children could fulfil her obligations but no payment could be made until it determines the outcome of the case. Therefore, even if I had made a determination to trigger risk equalisation, no money...
could have transferred from BUPA to VHI and the ESB until such time as the High Court had made a determination on the proceedings before it.

**Dr. Twomey:** I hoped this debate could have taken place later in the day so other Members could contribute their views, rather than just the main party spokespersons talking about the issue again.

I fully understand that risk equalisation is part of community rating, which is vital for the private health insurance market as it exists in this country at present. However, there is a total lack of clarity in what is taking place. I appreciate the Tánaiste will furnish us with the advice that she received to clarify how she made up her mind on this issue. The Minister for Health and Children is responsible for VHI and the HIA and the latter makes the decision on whether risk equalisation should be activated. Therefore, it is very important that there is transparency and accountability with regard to this, when the Minister has responsibility for both parties, one of which is making the decision and the other is affected by it.

What are we doing to improve competition? That is an issue that has been missed in these discussions. One of the major issues being discussed this week, outside the House, by people who have private health insurance is the future development of the health insurance market and how it will affect them. One of the certainties people know is they are facing far higher costs than those they have been exposed to in the recent past. Since 1997, VHI premiums have doubled for the average customer. Much of that increase can be accounted for by medical and ordinary inflation factors, for which allowances must be made. However, indications are that medical inflation will increase even more dramatically in the future, especially regarding diagnostics, where cost increases will be significant. This means private health insurance will become very expensive unless something changes in the next few years. What is the Oireachtas planning to do about this? What is the Minister for Health and Children planning to do regarding the future and competition in the market? If nothing is done, people will be squeezed out of the private health insurance market, especially elderly people, because they find it most difficult to make premium payments. Usually, it is people over 65 who need health insurance more than others. Yet, when people retire at 65, they lose the benefits of occupational private health insurance and must pay their own premiums. While one can say that with community rating, a person over 65 is paying the same premium as a person who is 35, if the costs get out of control, the person over 65 will simply not be able to afford the payment. This issue must be examined, apart from the issues of risk equalisation and community rating.

Hospital charges are as opaque, in some respects, as Government thinking. When this debate began, several people contacted me. They were not overly concerned with risk equalisation. They were more concerned about the bills they received from hospital, the bills that are sent to VHI. People said that it was almost impossible to figure out for what they were being charged. There is no clarity in the bills that are sent to VHI. It is easy for the hospitals to state the bills reflect their contract with VHI. However, when these bills are analysed and a comparison of the breakdown costs is made with other European countries — a comparison made much easier by the euro — the result is amazing. One can allow for the fact that different health services are cheaper to run. The Tánaiste has often made the point that it is much cheaper to look after people in the United Kingdom than here. Staff are paid differently and there are other variable cost factors at play. However, making a direct comparison of our hospital charges with those in other European countries including the United Kingdom is very enlightening. This is an issue that the Tánaiste should take up, namely the costs to VHI, because rising costs are driving up premiums, as reflected in the bills submitted by hospitals. Every subscriber should demand a detailed breakdown of his or her bill. Then we might see hospitals taking more control of their costs.

Risk equalisation was debated by the Joint Committee on Health and Children. In Australia, risk equalisation only kicks in with regard to people who are over 65. It does not apply to the whole market. As we also know from previous Oireachtas debates, the midpoint in terms of community rating is 40, that is, people who are under 40 are paying for those who are over that age. People in their 40s benefit very little but as they get older, the benefits from community rated private health insurance increase substantially. It is only for those over 65 that risk equalisation applies in Australia and so much of our private health insurance market is based on the Australian model. When VHI was established in 1957, it was based on the model that existed in Australia at that time. We have also followed many of the changes the Australians have made since then.

The Tánaiste should publish the report from the HIA to which she referred. We need clarity as to what is taking place. VHI can make a very strong case for itself, but at the same time, it controls 80% of the market. There is little or no competition in this market. An argument that has been used against BUPA is that while it only has a small percentage of the market, its profits are substantial, running into double-digit percentages. People are saying that BUPA is simply dovetailing VHI charges. Furthermore, when it comes to the charges and products offered by the companies, it is very difficult for customers to work out the benefits of each policy. One company, for example, has almost 30 different products. We should seek more streamlining in this area and this is part of the responsibility of Government. The Government can initiate public
information campaigns to help people to cut through all the red tape and it can put pressure on the insurance companies to be more transparent for the benefit of customers so people know what they are buying.

The charge made by VHI against the new entrants to the market is that they are directing their marketing and advertising towards younger people so they can maximise their profits. Companies are making significant charges against each other and the State is getting embroiled in the case that BUPA is taking to the European Court. We need to have a much wider debate and I had hoped for that today.

The Tánaiste is correct about one thing, that is, a substantial number of people are affected by this, given the fact that 1.6 million to 2 million people in this country have some form of private health insurance. A substantial number of people will see costs increase. If the costs increase, the people who most need private health insurance, that is those on marginal incomes and the elderly, will find they cannot afford it. If costs to the markets increase dramatically, then there is no competition and the latter is important to make the system work. We must ask ourselves why, after so many years, there is still only one major new entrant in the market. The other entrant, VIVAS Health, only has 1% of the market and no other company is interested in entering the market. We should find out why that is the case. It is an extremely important issue that demands a much wider debate than that allowed for this morning.

I am concerned about risk equalisation, competition in the market, the costs of the products and the costs to the consumer in the future. I was hoping we could have a much wider debate on these issues in the House but perhaps we can do so at a later date.

Ms McManus: I thank the Ceann Comhairle and the Tánaiste for enabling this short and rather hurried debate. It would have been negligent on the part of the House if it had not afforded the proposal some scrutiny, albeit without proper preparation. This is an important issue precipitated by the lack of decision shown by the Tánaiste and Minister for Health and Children which has concerned and mystified many people. There is a perception that she has capitulated to the strong and over-the-top lobbying from one particular insurer.

This is not the first time risk equalisation has been put on the long finger but it is the first time it has been so starkly rejected. The Minister has clearly decided not to take the best expert advice available through the Health Insurance Authority. The likely effect is increased costs to the subscriber and a certain risk to older subscribers or people looking to take out health insurance who will now become the undesirables in the market. Many older people who are terrified of being left waiting for necessary health care are taking out health insurance to protect themselves and are now looking at their situation with some trepidation. The situation of the care of the elderly since the Tánaiste has taken office has been very disturbing for older people, both in terms of illegal charges and the scandal of conditions in private nursing homes. Now the safeguard which should be in place to protect them is not being provided by the Minister nor is it being explained in any coherent way.

Community rating has been a basic pillar of health insurance along with open enrolment and lifetime cover. The situation in this country is extraordinary in that 50% of the population is covered by health insurance and it is a significant feature of the health service. This is unlike other countries where people take out private health insurance, not because they want to protect themselves and to access care but because they desire the frills. In this country the health service is so defective, underdeveloped and poorly managed that people are protecting themselves by taking out health insurance to this extraordinary degree.

Risk equalisation is a necessary part of the way our health insurance system operates. It provides the necessary balance within the market and it is anti-competitive not to introduce it when it is required of us. This is not a pro-competition argument but it seems to be some kind of ideological position that the Minister for Health and Children has adopted to which I have listened to time and again at the Joint Committee on Health and Children. The Progressive Democrats spokesperson on the committee seems to think that anything is better than risk equalisation. It is as if she has a visceral repugnance to the idea of risk equalisation, even to the point where she has argued that older subscribers should be forced to move from their insurer of choice to another insurer. The idea being floated by the Progressive Democrats is that it would somehow be better to force patients and subscribers to move rather than to introduce a measure that has been tried and trusted elsewhere and is part of the way we have approached health insurance for a long time.

The net effect of the failure to introduce this measure when it is required or at least recommended by the authority, is the continuation of a windfall profit for BUPA of approximately €30 million. This is a British multinational which, as far as can be ascertained because it does not provide a great deal of information about its accounts, can ensure its massive Irish profits are transferred to Britain where its profits are not so good because of a different regime.

Risk equalisation was introduced in Ireland in 1996. BUPA entered the Irish market knowing the rules of the game. I find it very difficult to accept any validity in the argument when this is the case that BUPA started talking about pulling out of Ireland altogether. The initial blackmail was that it would pull up its roots and leave. The people working in its office in Fermoy must have been very disturbed by that statement but I sus-
psect they saw it as a blackmail threat without any validity.

Risk equalisation exists for a good reason. It has been recommended by the Health Insurance Authority whose report to the Minister I ask her to publish. I do not accept that Mercer has a higher level of wisdom and knowledge. Mercer is a private consultancy firm advising the Minister and the House should be allowed see the report. The Health Insurance Authority was established by this House, the national Parliament, to act as the supreme body to ensure a decision made by a Minister was an informed one and that the very best advice was being given.

A competitive health insurance market with community rating and open enrolment would be unsustainable without risk equalisation. I know the Minister will say she believes in risk equalisation but it is very difficult to have any belief in that statement. She seems to be asking the House not to worry and to trust her judgment, but this is not really good enough because it has no substance and is ephemeral. One can only judge Ministers by their actions on difficult decisions and we are to understand that this is such a decision. However, it is not good enough to state that risk equalisation may be introduced at some point in the future. At that point there may be real problems created by this long delay. I do not have a problem with the delays in the past but the authority has now made a recommendation and the Minister persists in ignoring it.

I refer to the Minister’s press release on the subject. Initially there was a much tighter requirement for risk equalisation and had this original requirement of 2% and more than 2% been maintained, then risk equalisation might have been recommended much earlier. Following consideration and consultation, changes were made which benefited BUPA quite considerably and also helped Vivas Health to set up. In the original legislation the timeframe for the introduction of risk equalisation was much shorter. The Minister has disregarded all this and history began when she took over. She is now taking advice from private consultants in the commercial arena and is disregarding an authority whose remit is to protect the common good.

I have problems with this policy and I challenge it. Even in her own terms of arguing that she stands for competition in the market, she is not able to sustain what she has done. Community rating is a distortion in the market, it is something we all understand and it already exists. Insurers with a large number of older subscribers are at a disadvantage because of community rating. It remains hidden in a monopoly because when there is a monopoly there is only one community. As a result of EU pressure, guidance and encouragement, we have a number of competitors in this area. Once there is community rating and competition, the antidote to the distortion created by community rating must be introduced, namely risk equalisation. For community rating to survive, there are only two situations that are viable.

One is a monopoly supplier of health insurance, which will not occur unless the Minister persists on this route and it may well end up that we would have a new monopoly. The other possibility is competition among insurers plus a risk equalisation fund. Risk equalisation benefits any insurer. It is not that it would benefit the VHI, BUPA or VIVAS Health. It benefits any insurer that has a disproportionate number of older subscribers. BUPA has benefited in Australia for that reason. That is what this is all about and it is not the case that anybody has a problem with that.

Where there is community rating and competition but no risk equalisation fund, the market will always move to create a new monopoly. Community rating has survived only because VHI Healthcare has agreed to pass on to its members higher price increases that were warranted by reference to the community as a whole. This situation arose because VHI Healthcare has had a higher age profile of members than BUPA and now VIVAS Health. These higher prices have effectively financed the huge windfall profits for BUPA and this is a national scandal. That is what is happening. It is not that failure to introduce risk equalisation has no effect — significant profits are being generated to one insurer as a result of its preferential status.

BUPA has fought a tremendous fight on this and one could not take from its commitment to destroy and prevent risk equalisation from being introduced. It has been very focused and effective. According to the Minister’s public statement in January 2003, Irish authorities formally notified the EU Commission of the risk equalisation scheme. This notification was on foot of a complaint made by BUPA Ireland to the EU Commission that risk equalisation constituted an illegal State aid. The Directorate General for competition at the EU Commission notified the Irish authorities in May 2003 that it decided not to raise objections to the scheme on State aid grounds. It recognised the importance of risk equalisation. It does not see this as an interference in the market but sees it for what it is, namely, a measure to rebalance a distortion in the market that arises because of community rating, which is a protection for the common good, something which is universally subscribed to and supported across this House. The EU Commission understands the importance of risk equalisation. That is further evidence that this issue is not being dealt with fairly and properly in the interests of the common good and the individual subscriber.

The Minister has used the argument about the VHI not needing to have reserves. The EU Commission does not have a problem with that.

Ms Harney: It has not adjudicated on it yet. It is before it at present.

Ms McManus: Until there is some change we have to accept that there is a recognition at Euro-
pean level that health insurance is not like buying a bag of potatoes in a supermarket. Health insurance provides certain safeguards. The provision of health care is treated differently from viewing it in a crude, simplistic way, an approach that comes from the Progressive Democrats whereby everything must be seen in terms of pure competition. They view health care as another commodity. It does not matter to them what we are buying and selling here, what matters is that everybody can get into the market and sell and buy as cheaply as possible. However, health insurance has been recognised for decades by the European Union and other European countries as a central part of health care provision. I would like everybody in this country to have the protection of health insurance because if one can afford to buy health insurance, one is in a much better position to access health care. The system responds and is incentivised to look after subscribers. There are strong arguments to extending health insurance to everybody and enabling people to have the kind of care that currently only private patients are able to access when they need it. There is strong arguments for health insurance as a social measure of health care provision and that is recognised at EU level. If we simply see provision in this regard as buying and selling commodities on the market, the Minister is not getting the message. If she applies rules that do not accept that community rating is a distortion, that risk equalisation is a balancing measure——

An Ceann Comhairle: The Deputy’s time is concluded.

Ms McManus: I will conclude on this point. As regards the idea that the corporate status of the VHI will determine risk equalisation, we have been waiting for years for that legislation and according to the Minister’s admission we will have to wait more years before it is implemented. Does that mean we will have to wait for years for risk equalisation to be introduced or does it mean there will be a change of heart in terms of meeting the needs of people and ensuring fair play in the health insurance market?

Mr. Sargent: I pass on apologies from Deputy Gormley, our health spokesperson, who has to be in Dublin Castle to meet Commissioner Barroso. I have spoken to him and discussed some of the experience he has had on the Joint Committee on Health and Children which he has asked me to relate. The Green Party believes in community rating and accepts the advice of the regulatory body on risk equalisation, which is supported in name by Government but we have yet to see the action to give effect to that. I heard the Tánaiste relate that she regarded as a good phenomenon that more people were now reliant on private health insurance but I argue that indicates that more people are extremely nervous about depending on the public health system. It indicates the public health system does not meet the standard people expect it to deliver. There is also a growing fear that people will require the services of hospitals and the health system more than they would want and I accept that nobody wants to go to hospital. People read about and experience an increasing incidence of asthma, cancer or other conditions or diseases and they may need to make provision for hospitalisation and health care more than they would otherwise be likely to do.

The problem of a two-tier health system has not been addressed by the Government. The gap is growing between the reliance on private health insurance and the public health system. We need to examine the rising cost of the health insurance premiums. It is often mentioned that medical inflation is some type of runaway phenomenon that is a creature unto itself but that must be addressed. The Tánaiste as Minister for Health and Children has far wider responsibilities than the health insurance companies, the role of which essentially is to service the needs of people who are sick.

We need to see about other factors which may be affecting the cost of the provision of health services, not least health insurance companies. I would instance asthma, for example. Dietary related issues have been mentioned in this House, but have not been given sufficient attention. Obesity, in particular, is one matter which is getting a considerable amount of debate outside this House. Such conditions might be addressed from a multi-disciplinary perspective with a possible role for interdepartmental action. We have seen the difficulties experienced in the Department of Education and Science as regards the provision of physical education facilities, the lack of playgrounds, skate parks etc., which encroached on the responsibilities of other Departments. Basically, the problems most often referred to as obesogenic — environmental problems — will impact on the cost of health premiums because of the demand for health care services.

A far more holistic view needs to be taken as regards the cost of health insurance so that effectively there is not such a burden of cost on the individual citizen, regardless of whether they are taxpayers, when it comes to health matters. I ask the Minister, on the basis that we are accepting risk equalisation, to proceed quickly to ensure that the fund is in place and that there will be practical implementation of the legislation as the current frustrating delay is causing more and more people to find refuge in health insurance. This is because they do not feel confident that either the Government or the public health sector are able to address their needs. Those needs are perceived to be growing, particularly for people who are in need of hospitalisation. Those people are very nervous that if they do not have private health insurance they will be much the poorer in terms of their health as they wait for services which they are entitled to as citizens. They are
promised such services in theory, but in practice those promises are not met.

While I welcome this debate and appreciate that the Tánaiste has taken it at short notice, I ask that we proceed very quickly to ensure that risk equalisation becomes a practical reality.

**Mr. Morgan:** The decision by the Tánaiste and Minister for Health and Children to reject the Health Insurance Authority’s recommendation on the introduction of risk equalisation is based purely on her ideological outlook. Risk equalisation is necessary to reflect the older age profile of VHI membership. The Health Insurance Authority recommended the introduction of risk equalisation in light of the damage being done to VHI under the current regime. It concluded that consumers would be better served by the lower premiums that would flow from risk equalisation. Given that the Health Insurance Authority is in place to advise the Minister on these issues, why did she consider it necessary to hire private consultants on this issue? Was it simply because she knew they would give her the results she wanted? I believe so.

The Tánaiste’s decision is based on her desire to undermine the VHI. I would be interested to know the extent of the representations made to the Tánaiste by BUPA and Vivas Health on this matter. This is a clear case of the Progressive Democrats rampage against State companies, and the VHI is the victim in this instance. The Tánaiste’s actions are likely to lead to an increase in premiums as VHI faces the continued loss of younger members to BUPA. The failure to introduce risk equalisation has the potential to irreparably damage the VHI as it enters a spiral of rising premiums and claims. In the absence of risk equalisation, certain insurers can concentrate on targeting lower risk individuals.

It has been pointed out that the Health Insurance Authority took into account the commercial status of the VHI when arriving at its recommendation that unbalanced risk equalisation should be implemented. This undermines the claims made by the Tánaiste to justify her failure to introduce risk equalisation. Her decision is scandalous and totally unjustifiable. The boom in the numbers of people taking up health insurance is indicative of the abject failure of the Government to reform the health service, ensuring equal and proper access for all. The people of this State already pay over the odds for health care. We pay for it through PRSI and the additional health levy. On top of this we pay for every visit to a GP and 50% of us pay for private insurance as well.

The Tánaiste said that she welcomes this statistic. She should because it is the Government’s policy, in particular the long waiting lists, that have driven people into the arms of private insurers. The decision not to implement risk equalisation will only result in a further increase in the cost of health care. Fundamentally my party believes that health care is incompatible with the market. We believe in free health care at the point of delivery based on need, not ability to pay. We believe it is the responsibility of Government to provide health services through the general taxation system. Health care should never be a commodity to be bought and sold. It should be a right. There is no logical reason for the delay in implementing risk equalisation. The Tánaiste has admitted it is inevitable. The delay is purely ideological, facilitating private companies, particularly BUPA, giving it a commercial advantage over VHI. Proper modern facilities provided by the State are the best way to level the private health insurance field.

I acknowledge the opportunity the House has been given to address this motion, however condensed. It is welcome, nonetheless, and I hope the debate goes some way towards highlighting for the public the madness that exists as regards this entire question.

**Tánaiste and Minister for Health and Children (Ms Harney):** More and more people have taken out private health insurance. The fact that the figure now stands at 52% or 53% of the population, or 1.9 million taking into account the VHI, BUPA, VIVAS Health and ESB, Garda Síochána and prison officers’ schemes, is good. It is a sign of increasing disposable income. That is mainly the reason more and more people have joined.

Everybody, notwithstanding whether they have private health insurance, is fully entitled to all the facilities of the public hospital system. It is Government policy to charge insurers the full economic cost of private beds in public hospitals.

**Mr. Morgan:** It is not happening.

**Ms Harney:** It is happening. I increased it by 50% last year in the Estimates and it will be increased again this year. That will add to the cost of insurance, no doubt, but it is the right thing to do. The public hospital system should not have to subsidise private health insurance. It is disingenuous of Deputies to say we introduced legislation in the Oireachtas that said, in effect, if the market equalisation is 10%, risk equalisation must be introduced, if it is below 2% it cannot be introduced and if it is somewhere in between, it is introduced at the recommendation of the HIA, but at the discretion of the Minister. The Oireachtas gave the Minister of Health and Children that function. It did not say the HIA will decide when we introduce risk equalisation. It says the Minister cannot introduce it unless he or she gets a recommendation to do so. However, even if one receives such a recommendation, one is required by law to go through a certain process of consultation with those who will be affected, which I did.

It is not correct that the position with regard to a reserve does not matter. If another Irish company must meet a reserve requirement and put 50% of its premium income into a reserve fund,
[Ms Harney.] is it fair that another company, which has 80% of the market, is not subject to the same requirement? Although this matter has not yet been adjudicated on in Europe, regardless of what decision is taken on the matter in Europe, the current position is not fair and distorts the market. If a new company which entered the market recently offering innovative products must put aside 50% of its premium income to meet the requirements of the Irish Financial Services Regulatory Authority, the body which—

Mr. Morgan: The VHI must do that.

Ms Harney: That is not the case. The VHI has a derogation and is protected which is precisely what I seek to end. It will take some time to do so.

I remain a strong fan of risk equalisation, without which one cannot have community rating. It is not a question of whether we will introduce it but when we will do so. I have considered all relevant issues, the submissions made by those affected, the advice of Mercer and the advice of my officials in the Department who advised that there were strong reasons for and against introducing risk equalisation but that, on balance, it should not be introduced on this occasion. As I stated, once we trigger risk equalisation, it is difficult to turn back the clock. These are some of the reasons that, having received advice, I decided not to do so.

The worst that could happen in the health insurance market would be a return to a position of having no competitors. With regard to BUPA, even if the company were to leave the Irish market, I have no doubt it would sell its business to somebody else because 400,000 customers is a considerable business. I never bought into the view that if a particular company decided to exit the market, its customers would not be bought by somebody else given that the prospect of having 400,000 customers is an attractive proposition.

It is also true that BUPA makes substantially more money in the Irish market than in the United Kingdom because we do not yet have real competition. Health insurers generally make in the region of 7% profit, whereas I understand the figure for BUPA’s operations here is in the region of 15% to 17%. Profit, therefore, was not among the issues I took into account. These were competition, a strong submission from Vivas Health and the advice I was given. As I stated, the question is not whether we will have risk equalisation but when we will have it. Risk equalisation is inevitable and must in any case be triggered if one reaches the market equalisation percentage, MEP, of 10%. I assure the House I have no plans to change the relevant legislation in this regard.

Question put and declared carried.
most part, the amendments proposed are technical and arise out of amendment No. 4. The purpose of the amendments is to clarify dismissal arrangements for staff in the Office of the Houses of the Oireachtas Commission. I will explain the background to the amendments.

Currently, section 14 of the Bill amends section 20 of the Staff of the Houses of the Oireachtas Act 1959. As drafted, the section provides that the dismissing authority for all officers at principal officer level and above in the Office of the Houses of the Oireachtas shall be the Houses of the Oireachtas Commission and for all officers below principal officer level shall be the Secretary General of that office. This is in line with the general principles of the Bill.

Section 14 does not currently amend the provisions in section 20 of the 1959 Act relating to the dismissal of the Clerk of the Dáil, Clerk Assistant of the Dáil, Clerk of the Seanad, Clerk Assistant of the Seanad, the Superintendent and the Captain of the Guard. In these cases the dismissing authority is still the Government, following a process of consultation with the relevant chairman and the Houses of the Oireachtas Commission. This provision is not fully in line with the central principles in the Bill.

Following discussions with the Office of the Houses of the Oireachtas and on the advice of the Office of the Attorney General, I propose a new Part 3 of the Bill to address the matter by bringing together a number of amendments on the Houses of the Oireachtas and the commission. In light of the new devolved dismissal arrangements envisaged in the Bill, it would be inconsistent with the independence of the Houses to have the Government as the appropriate dismissing authority for the officers in question. The amendment will not result in a significant change in the current policy in the Bill but will instead retain certain protections set out in the 1959 and 2003 Acts which relate to the dismissal of Clerk of the Dáil, Clerk Assistant of the Dáil, Clerk of the Seanad, Clerk Assistant of the Seanad, the Superintendent and the Captain of the Guard.

The effect of the amendment I propose will be to retain the current safeguards set out in the 1959 and 2003 Acts which provide that the dismissal of these officers can only take place after a process of consultation, while at the same time linking the principle of devolved authority, which is one of the central provisions of the amendment Bill. In line with the provisions of the Bill, the responsibility for dismissal will be devolved to the Minister responsible for appointing a successor, who in the case of these officers is the Taoiseach. The practical effect of the amendment will be that the Government can assign the authority to dismiss the Clerk and Clerk Assistant of the Seanad and of the Dáil to the Taoiseach who may act on the recommendation of the Cathaoirleach or the Ceann Comhairle, as the case may be, following consultation by him with the Houses of the Oireachtas Commission.

In the cases of the Superintendent and the Captain of the Guard, the dismissing authority will again be the Taoiseach, after consultation with the Ceann Comhairle, the Cathaoirleach and the commission. The rationale for assigning the responsibility to the Taoiseach comes from the fact that the Taoiseach, following a similar process of consultation, is also the appointing authority for each of these officers. This is consistent with the provision in section 7 of the Bill where the Government can assign the dismissing authority to the Minister who has the power of appointing a successor to that civil servant.

No change is proposed in regard to other officers within the Oireachtas, other than that the arrangements for them will reflect the new devolved management structures elsewhere in the Civil Service. This will mean that officers at principal officer level and above will be dismissible by the Houses of the Oireachtas Commission — the relevant “Minister” for the purposes of the Act — on receipt of a recommendation from the Secretary General of the Office of the Houses of the Oireachtas, while officers below that level will be dismissible by the Secretary General of the Office of the Houses of the Oireachtas.

A consequential amendment arising out of the new part in the Bill is to ensure that the Secretary General of the Office of the Houses of the Oireachtas is treated in the same way as other Secretaries General for the purposes of the Act. Section 10 of the Bill currently amends section 15(6) of the Civil Service Regulation Act 1956 to provide that officers either holding a position to which they were appointed by the Government or holding a position as a Revenue Commissioner are not subject to the disciplinary sanctions set out in section 15.

Under the Staff of the Houses of the Oireachtas Act 1959 and the Houses of the Oireachtas Commission Act 2003, the Secretary General of the Houses of the Oireachtas is appointed by the Taoiseach on the recommendation of the chairman after consultation by him with the Houses of the Oireachtas Commission.

The office holder is therefore not automatically excluded from the provisions of section 15 in the way other Secretaries General are.

Amendments Nos. 1, 2 and 3 are technical and provide in section 15(6) of the Act for the explicit exclusion of the Secretary General of the Office of the Houses of the Oireachtas from the measures set out in that action. This provision will ensure all Secretaries General are treated in a similar manner. Amendment No. 4 will give effect to the arrangements for dismissals in the Office of the Houses of the Oireachtas that I have outlined. This amendment will insert a new Part 3 to the Bill. The remainder of the amendments in this group are technical and give effect to the provisions I have set out.

It is proposed to delete section 14 of the Bill. This section provides that the dismissal of a member of staff at principal officer grade or above shall only be on the recommendation of
the Secretary General. This provision is now replicated as part of the new Part 3 of the Bill. It is proposed to delete section 15 of the Bill to move it to the new Part 3 of the Bill. Amendment No. 5 replicates the exact text contained in section 15 and moves it to the new Part of the Bill which deals specifically with the Office of the Houses of the Oireachtas. Similarly, I propose to move section 16 of the Bill to the new Part 3 of the Bill. Amendment No. 6 is required to replicate the provisions of this section in the new Part of the Bill. I propose amendment No. 7 to provide for the amendment of the Staff of the Houses of the Oireachtas Act 1959 in the Long Title of the Bill. I propose Amendment No. 8 to provide for the amendment of the Houses of the Oireachtas Act 2003 in the Long Title of the Bill.

Mr. Bruton: On the last occasion there was confusion about consultation with the Oireachtas Commission. As I recall, Deputy Howlin, a member of the commission, could not recall any consultation. The Minister of State was adamant it had taken place and there was a sense that this point was so important that it should be clarified. Will the Minister of State set out the exact position on consultation with the Oireachtas Commission on these proposals?

While we all acknowledge that a Minister is the appropriate authority to dismiss certain senior public servants, the same relationship does not apply between the Taoiseach and the Clerk of the Dáil. The Taoiseach is the head of the Executive and the Clerk of the Dáil is a servant of the Oireachtas. If someone outside of the Oireachtas Commission must act as dismissing agent, it would be appropriate for it to be the Government rather than the Taoiseach. The phraseology used states the Taoiseach “may decide to dismiss having had consultations”. It leaves it open to the Taoiseach to dismiss a Clerk of the Dáil, even if his consultations with the Oireachtas Commission or the Ceann Comhairle do not support that action. The Taoiseach’s freedom to dismiss the Clerk of the Dáil should be curtailed to a greater extent than is the case in the provisions set out.

It is convenient to choose the Taoiseach because in the earlier legislation, he is the appointing authority. Perhaps the earlier legislation ought not to have the Taoiseach as the appointing authority, it should have been the Oireachtas Commission or the Government. Arguing that consistency with earlier legislation is sufficient justification to allow a Taoiseach the power to dismiss the Clerk of the Dáil does not convince me. The Minister of State should elaborate why this selection has been made, if consultation has taken place or if the confusion, where a member of the commission did not know of any consultation, has been resolved.

Ms Burton: My colleague, Deputy Howlin, had hoped to be here but with the change in timing due to the debate on risk equalisation in health insurance, he has another meeting.

The Minister of State should clarify what discussions he has had with the Oireachtas Commission and if the commission has been fully consulted on the amendments being introduced. There was confusion on the last occasion and the Minister of State made a statement where he admitted he had not had consultations with the commission. It is important that we do not import into the Bill an arbitrary power for the Taoiseach when we have gone to the trouble of ensuring the affairs of the Houses of the Oireachtas are run by the Houses of the Oireachtas Commission. That must be clarified.

The appointment structure must also be clarified. For anyone of the grade of principal officer or above, dismissal is basically a recommendation of the Secretary General of the Office of the Houses of the Oireachtas. Is that consistent with the provisions for other sections in the Civil Service?

We were also told the Minister of State was importing on a sectoral basis references to whistleblowers, as was requested by the Labour Party, where, if a civil servant had come across material he felt should be divulged, it would not become a reason for summary dismissal. Do the same rules apply to the staff of the Houses of the Oireachtas?

The Minister of State introduced these amendments late in the day. I am glad he conceded to the Labour Party on the whistleblowers but I would like clarification.

Mr. Parlon: I clarified to the House that my side had given a misunderstanding on the degree of consultation. The amendments were proposed by the staff of the Office of the Houses of the Oireachtas and were submitted to the Government following consultation with the Office of the Attorney General. After considering the proposals, the Government agreed the proposed amendments were an appropriate way to deal with dismissal arrangements for these officers. Additionally, the representative of the Minister for Finance on the Houses of the Oireachtas Commission offered members of the commission an opportunity to raise any issues they had regarding the proposed amendments. One Deputy took this opportunity to raise the issue.

The proposed amendments reflect the arrangements in the 1959 and 2003 Acts for dismissal of certain officers in the Office of the Houses of the Oireachtas. If any new arrangements were put in place, it would represent a policy change in respect of the Office of the Houses of the Oireachtas and it would not be appropriate to deal with such significant change in a piecemeal manner in the Bill.

We all appreciate that assigning the dismissing authority for key officers in the Houses of the Oireachtas is complex. In the unlikely event of it happening, it would be a sensitive issue to be dealt with. The importance of the role of the com-
mission, the Ceann Comhairle and the Cathaoirleach is highlighted in the consultative arrangements set out in the 1959 and 2003 Acts that relate to the Office of the Houses of the Oireachtas. In light of the role of the Clerks and the Clerk Assistants to provide independent advice to Chairs and Members, it is not appropriate to provide that the appointing or dismissing authority lies exclusively in the hands of the chairman of the Houses of the Oireachtas Commission. The aim of the particular provisions relating to the dismissal of the officers of the Houses is to safeguard this underlying principle of independent advice.

Mr. Bruton: I recognise the safeguarding of independence of advice to other committee chairpersons. However, I do not recognise how moving the power of dismissal from the Ceann Comhairle to the Taoiseach resolves this issue. The Taoiseach’s role in the Houses is different from the relationship between Chairs and the Ceann Comhairle. All those officers have a certain duty to impartiality in their appointment and in the way they conduct their role in the Houses. By and large, they observe neutrality and fairness in their approach. However, there is no such obligation on the Taoiseach, who is the leader of the Government, to observe such impartiality. It would be expected of the Taoiseach that he or she would be partial to defend the positions and responsibilities to the Taoiseach comes from the Taoiseach's role in the Houses is different from the relationship between Chairs and the Ceann Comhairle. All those officers have a certain duty to impartiality in their appointment and in the way they conduct their role in the Houses. By and large, they observe neutrality and fairness in their approach. However, there is no such obligation on the Taoiseach, who is the leader of the Government, to observe such impartiality. It would be expected of the Taoiseach that he or she would be partial to defend the positions and responsibilities to the Taoiseach.

Ms Burton: I find this puzzling. In the event of a crisis, if the Clerk of the Dail was dismissed, which has never happened, it would constitute a grave crisis in the administration of the Dail. If it was done by the Taoiseach, it would inevitably be seen as a heavily politicised decision by the Government of the day. The Houses of the Oireachtas Commission has been established with some degree of independence to mark the Houses as separate from the Government of the day. As we are setting up this administrative structure to give powers to secretaries general and Ministers in line Departments, it is odd not to use the Office of the Ceann Comhairle in this grave scenario that might lead to the dismissals referred to here.

The Ceann Comhairle is a constitutional officer with particular rights, responsibilities and duties to the Oireachtas. The Ceann Comhairle must act with high levels of impartiality as to how the business of the House is conducted. I cannot imagine a graver crisis than the dismissals envisaged in this section. The framework of impartiality for the Ceann Comhairle that is provided for in the Constitution and the legislation for the Houses of the Oireachtas Commission is not enhanced or expanded to provide for the provisions set out in this section.

The Minister of State, Deputy Parlon, who is piloting this legislation, must elaborate on the advice he has been given. While the advice of the Attorney General may have been given to the Minister for Finance, the Minister of State must also have received it. If not, it leaves me feeling uncertain that he has not elaborated on why the Taoiseach of the day is the chosen instrument to effect the dismissals provided for in the Bill.

Mr. Parlon: The rationale for assigning the responsibilities to the Taoiseach comes from the fact that the Taoiseach is also the appointing authority for each of these officers. This approach is consistent with the provision in section 7 where the Government can assign the dismissing authority to the Minister who has the power of appointing a successor to that civil servant. Identifying the appropriate mechanism for dismissal in respect of these officers has been carefully considered.
The approach taken is not exclusive to Ireland. Similar arrangements exist in other states where such appointments are made on the recommendation of a Prime Minister, or equivalent, such as in the UK, Canada, Australia and New Zealand. The head of the office, as is the case with other parliamentary staff, is designated as a civil servant of the State and is independent of the Taoiseach’s or Government’s direction. The proposed amendment reflects the current arrangements set out in the 1959 and 2003 Acts relating to the dismissal of certain officers in the Houses of the Oireachtas. If new arrangements are put in place, it would represent a policy change in respect of the Office of the Houses of the Oireachtas. It would not be appropriate to deal with such a significant change in a piecemeal manner in this Bill. In this context, the Minister for Finance will consider the discussions which have taken place today as well as other discussions with Members and his representatives on the Houses of the Oireachtas Commission. The Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan, will also be involved and will also take these discussions into consideration.

Mr. Bruton: The Minister of State has simply restated his previous comments, namely that this would break with the existing appointment system. He does not offer a rationale for it. The appointment of a successful applicant for the position of Clerk of the Dáil is a fairly routine matter and the Taoiseach simply rubber stamps it. However, dismissal is a different matter and this provided that the Taoiseach would make the appointment because of the convenience of the original legislation. That was a non-controversial position.

Mr. Parlon: Nothing was done for the sake of convenience.

Mr. Bruton: The Minister has not explained it other than stating that it is the same situation as in Britain.

Ms Burton: We are asking the Minister of State for an explanation.

Mr. Parlon: It was done to be consistent with every other appointment and dismissal across the board, with the previous legislation and also with international practice.

Mr. Bruton: However, the purpose of the Houses of the Oireachtas Commission is to establish the independence of the Houses of the Oireachtas from the Executive. It is quite acceptable that a Taoiseach might rubber stamp someone who has been selected successfully through a selection process. However, it raises significantly different issues when a Taoiseach can dismiss that person at his or her own discretion, albeit after consultation.

Mr. Parlon: It is more than likely that a Taoiseach would be rubber stamping a recommendation of the Ceann Comhairle.

Mr. Bruton: That is quite likely, but the legislation before us allows a Taoiseach to do so even if the Ceann Comhairle does not support that action. Hence it gives a Taoiseach the authority to dismiss the Clerk of the Dáil in the same way that it gives a Minister the authority to dismiss a Secretary General. However, the relationship is different and the Minister of State has not addressed that issue. He has simply repeated the statements he made on a number of occasions, but simply repeating it does not——

Mr. Parlon: How is it different?

Mr. Bruton: Because a Secretary General is the boss of his or her Department, runs that Department and is responsible for its operations. However, the Taoiseach does not run the Houses of the Oireachtas. They are run by the Houses of the Oireachtas Commission and the Taoiseach does not have the same presumption to dismiss that a chief executive might have.

Mr. Parlon: Ultimately he does. He is the boss who takes the blame.

Mr. Bruton: We are moving away from that position by stating that the Houses of the Oireachtas are self-governing and make their own decisions, which is why we are providing them with a budget and discretion. They will no longer be obliged to have their decisions sanctioned by the Minister for Finance or whoever, as was traditionally the case. However, the Minister of State appears to be carrying over this residual power of the Taoiseach to dismiss for no other reason than precedent. Apart from precedent, is it good practice or a good idea? The Minister of State has not convinced me of that.

I am surprised that having passed through the Seanad and this House, we do not have a more adequate briefing as to why this is a good thing. Ultimately, we try to decide what is a good thing for the long term, not what has precedent or what is done in the UK. I am not persuaded by anything I have heard here but perhaps there is another reason which we have not heard. Appeals to precedent do not convince me.

Ms Burton: We are not getting an explanation. It is coming up to the holidays and all Members are anxious to have a break. Consequently, although the Minister of State and I have sparred on many occasions, I do not wish to reopen it now because for the most part it is lost.

Mr. Parlon: I did not raise the issue of the Deputy’s time-wasting efforts.

Ms Burton: The Minister of State’s briefing note mentioned appointments made by the British Prime Minister. I am not a lawyer, but as I
understand it, the critical difference between our Houses of the Oireachtas and the situation in the United Kingdom where powers of appointment rest with the British Prime Minister, is that the United Kingdom does not have a written constitution. We have a Constitution and the Houses of the Oireachtas and the Office of the Ceann Comhairle are specifically provided for in it. Hopefully, the scenario which we are currently discussing will never happen because it would be a grave constitutional and political crisis. If that power is vested in the Taoiseach of the day, it would be impossible to use because it would become completely politically conflicted. Regarding the Minister of State’s notes on the United Kingdom and the powers of its Prime Minister, is it not true that those powers arise because of the peculiarity of the constitution of the United Kingdom and the other countries to which he referred? I believe the Minister of State mentioned Australia and New Zealand.

Mr. Parlon: And Canada.

Ms Burton: Yes. They are all part of the Commonwealth and the old British empire. We however, are not and I have not heard the Minister refer to republican countries like ours. Has the Minister of State seen the written advice of the Attorney General? Has he had an opportunity to examine and discuss it? The reason he has given to the House does not stand up, from my limited conversations with lawyers and modest knowledge of history. He refers to the British constitution and the British Commonwealth countries which do not have a written constitution. We have a Constitution and while it is the end of term and Deputy Bruton and I are as anxious to leave as the Minister of State, it is a reasonable question.

Mr. Parlon: In terms of consultation, Deputy Howlin represents the Labour Party on the Houses of the Oireachtas Commission. Fine Gael and all parties in both Houses are also represented. This was brought to their notice and the Minister for Finance’s representative, the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan, asked people to come forward if they had any difficulties. One Deputy raised an issue — I understand it was Deputy Howlin — but he did not have a problem thereafter. Hence, the Houses of the Oireachtas Commission, which is responsible for this matter, is happy to have the Taoiseach in this role.

It would be a grave crisis if such a situation arose and it is unlikely that the Taoiseach would act in a manner that was inconsistent with the views of the Houses of the Oireachtas Commission or of the Ceann Comhairle. As Members are aware, any dismissal would leave the Taoiseach open to challenge, given all the judicial reviews and safeguards in place. Hence, such an action would involve sensitive consultation. Generally, in the history of the Dáil, the Taoiseach has represented the largest party in the House — although a certain party previously put forward suggestions regarding the possibility of having a minority party appoint a Taoiseach. A Taoiseach will not expose himself or herself to challenge. Sensitive consultations and recommendations from the Houses of the Oireachtas Commission would be involved in such a sensitive decision as the dismissal of the Clerk of the Dáil or the Seanad.

Ms Burton: I asked the Minister of State a simple question. Has he seen the Attorney General’s advice?

Mr. Parlon: No I have not.

Ms Burton: That solves that problem.

Mr. Parlon: The Attorney General’s advice is good enough for me. I am not in a position to——

Ms Burton: We are seeking a reasonable explanation of a reasonable point. The Minister of State has been chosen by the Minister for Finance to pilot this legislation. It is not good enough that he has not even seen the Attorney General’s advice. We are wasting our time discussing the question with the Minister of State as he does not know what he is talking about.

Mr. Parlon: This provision is entirely consistent with every other Department which is being dealt with. It is consistent with the 1995 and 2003 Acts. It is entirely consistent with everything that has been done previously. We have consulted the Commission of the Houses of the Oireachtas, cross party and across Houses and they have no difficulty with it. It is a sensible way to proceed. As the Deputy has pointed out, in such a grave situation, given the sensitivities involved and all the safeguards that are in place for people who might be dismissed, the Taoiseach of the day would be very open to challenge. The very privileged position of the Ceann Comhairle in terms of the degree of consultation necessary in the matter is fully considered in the Bill.

Seanad amendment put and declared carried.

Seanad amendment No. 2:

Section 10: In page 13, line 24, “1923.” deleted and “1923,” substituted.

Seanad amendment put and declared carried.

Seanad amendment No. 3:

Section 10: In page 13, between lines 24 and 25, the following inserted:

“(c) holding the position of Clerk of Dáil Éireann.”

Seanad amendment put and declared carried.


Seanad amendment No. 4:
  Section 14: In page 14, lines 27 to 34, section 14 deleted.

Seanad amendment put and declared carried.

Seanad amendment No. 5:
  Section 15: In page 14, lines 35 to 37, section 15 deleted.

Seanad amendment put and declared carried.

Seanad amendment No. 6:
  Section 16: In page 14, lines 38 to 40, section 16 deleted.

Seanad amendment put and declared carried.

Seanad amendment No. 7:
  Section 19: In page 15, before section 19 and before Part 3, the following new section inserted:

  "PART 3
  STAFF OF THE HOUSES OF THE OIREACHTAS COMMISSION

  19.—The Staff of the Houses of the Oireachtas Act 1959 is amended by the substitution of the following for section 20:

  ‘20.—(1) Notwithstanding anything contained in section 5(1) of the Regulation Act, where the Government so authorises, the powers and functions of the Government under section 5(1) may as respects an established civil servant be exercised—

  (a) in the case of a person who holds the office of Clerk or Clerk-Assistant of Dáil Éireann, by the Taoiseach on the recommendation of the Chairman of Dáil Éireann, following consultation by that Chairman with the Houses of the Oireachtas Commission;

  (b) in the case of a person who holds the office of Clerk or Clerk-Assistant of Seanad Éireann, by the Taoiseach on the recommendation of the Chairman of Seanad Éireann following consultation by that Chairman with the Houses of the Oireachtas Commission;

  (c) in the case of a person who holds the office of Superintendent, Houses of the Oireachtas, or Captain of the Guard, Houses of the Oireachtas, by the Taoiseach following consultation with the Chairman of Dáil Éireann, the Chairman of Seanad Éireann and the Houses of the Oireachtas Commission;

  (d) in the case of a person who is a member of the staff of the Houses of the Oireachtas Commission who is of the grade of Principal or of an equivalent or superior grade and to whom paragraphs (a) to (c) do not apply, by the Houses of the Oireachtas Commission following a recommendation to that effect given by the Secretary General of the Office of the Houses of the Oireachtas;

  and

  (e) in the case of a person who is a member of the staff of the Houses of the Oireachtas Commission who is below the grade of Principal or of an equivalent grade and to whom paragraphs (a) to (c) do not apply, by the Secretary General of the Office of the Houses of the Oireachtas.

  (2) A reference in this section to ‘the grade of principal or of an equivalent or superior grade’ shall be construed as a reference to the general service grade of principal or a position or office in respect of which the maximum salary is not less than the maximum salary of a general service grade principal.’.”.

Seanad amendment put and declared carried.

Seanad amendment No. 8:
  Section 19: In page 19, before section 19 and before Part 3, the following new section inserted:

  “20.—Section 12 of the Houses of the Oireachtas Commission Act 2003 is amended by the deletion of paragraphs (e) and (f) of subsection (3).”.

Seanad amendment put and declared carried.

Seanad amendment No. 9:
  Section 19: In page 19 and before section 19 and before Part 3, the following new section inserted:

  “21.—Section 16 of the Houses of the Oireachtas Commission Act 2003 is amended in paragraph (g) of subsection (1) by the deletion of ‘(Higher)’.”.

Seanad amendment put and declared carried.

Seanad amendment No. 10:
  LONG TITLE: In page 5, line 24, after “2004,” the following inserted:

  “TO PROVIDE FOR THE AMENDMENT OF THE STAFF OF THE HOUSES OF THE OIREACHTAS ACT 1959,”.

Seanad amendment put and declared carried.

Seanad amendment No. 11:
LONG TITLE: In page 5, line 24, after “2004,” the following inserted:

“TO PROVIDE FOR THE AMEN-
MENT OF THE HOUSES OF THE
OIREACHTAS COMMISSION ACT
2003,”.

Seanad amendment put and declared carried.

Seanad amendments reported.

Commission to Inquire into Child Abuse
(Amendment) Bill 2005: From the Seanad.

The Dáil went into Committee to consider
amendments from the Seanad.

Seanad amendment No. 1:

Section 28: In page 18, subsection (4)(c), line
7, after “by”, “whom” inserted.

Minister of State at the Department of Edu-
cation and Science (Mr. B. Lenihan): Provision
was made in section 28 of the Commission to
Inquire into Child Abuse (Amendment) Bill to
facilitate a person who is not satisfied with the
outcome of an application that he or she had sub-
mitted to the education finance board, which dis-
burses grants under a trust fund, to refer the case
to the Office of the Ombudsman. In the course
of the debate in the Seanad, Senator Ryan high-
lighted a drafting error in the legislation which
could be interpreted as restricting those with a
complaint against a decision of the education finance
board from having it investigated by the
Office of the Ombudsman. The Senator main-
tained that the wording could restrict the scope
of the appeal. The Minister raised the matter with
the Parliamentary Counsel and acknowledged
that an amendment was required to address the
error. Accordingly the Minister for Education
and Science was happy to accept the amendment
as drafted by the Senator on Committee Stage in
the Upper House, whereby the word “whom” was
inserted in page 18, line 7 of section 28. The
inclusion of the amendment will ensure there will
be no doubt as to who could have cases
investigated.

Ms Enright: I have no difficulty with the
amendment. I ask for clarification on an issue
raised on Report Stage here. Will the education
finance board been included in Part I of the First
Schedule of the Ombudsman Act? Following our
discussions we had understood that the Minister
for Education and Science, Deputy Hanafin,
would introduce a proposal to ensure it would be
included. Has this changed?

Ms O’Sullivan: This error was identified by my
colleague Senator Ryan in the Seanad. While it
was described as a drafting error, as the Senator
said it is quite a significant error. To regard it as
a drafting error may be an oversimplification. If
the error had not been spotted the section would
have read: “Where, following an investigation
under this Act into an action, it appears to the
Ombudsman that the action adversely affected a
person by or on whose behalf an application was
made”. This would mean that a person could be
excluded from coverage under the Ombudsman
Act.

During our debate on this section, I was partic-
ularly concerned that we did not have absolute
clarity that the education finance board would be
covered under the Ombudsman Act. The Mini-
ster who was here for the debate said it would be
more appropriate to do this under the Ombuds-
man Act rather than in this Bill. That the Bill was
passed by this House and the drafting error was
only spotted in the Seanad indicates that much
confusion exists as to whether the board will be
clearly covered under the Ombudsman Act. I
would like an absolute assurance from the Mini-
ster of State that this is the case.

Mr. Gogarty: I am glad the error was spotted.
In fairness to those involved in drafting the legis-
lation, nobody in this Chamber spotted the error.
Unfortunately with legislation of this import
which can have far-reaching consequences, it
could be a matter of life and death. I welcome
the fact that it is changing. I hope the Minister of
State is about to say that the issue of the
Ombudsman will be covered under legislation
dealing with the Office of the Ombudsman. If
not, can we have a good excuse?

Mr. F. McGrath: I support the amendment. I
am very conscious of the fact that it relates to a
drafting error. Restrictions on victims should
never be an option when dealing with child abuse
and institutions. I still have major concerns about
how victims were treated over the years. Many
people are under the impression that child abuse
took place 20 or 30 years ago. From a legislator’s
point of view, we must be vigilant when dealing
with the victims of child abuse. In recent days, we
have all heard the horrific story of how a young
11 year old girl was treated. It is very important
those involved in child care, in the teaching pro-
fession and in forming legislation, are conscious
that such abuse exists all the time. There are
many dysfunctional families crying out for help
every single day. We come across some of them
in our clinics on a regular basis.

All the people involved must be constantly vig-
ilant. Young children should be able to seek help
from the social services. I speak as someone who
worked in the primary education sector for over
20 years and who dealt with child abuse cases.
Some children found themselves in circumstances
where the only friendly face was a teacher doing
yard duty. It is important that victims are treated
with respect and dignity. A number of Deputies
raised this issue in other amendments. Victims of
vaccine trials should have been allowed to bring
their cases to court.
I hope we have learned about children in institutions. The system was flawed, major mistakes were made and major damage was done to children. We should stand back and pay tribute to the adoptive parents in Ireland. In the past 60 to 70 years, children who did not go to institutions were adopted by families and the vast majority of them were looked after very well. Adoptive parents rescued many children. Many of these children are now adults and are leaders in Irish society. Sometime adoptive parents feel angry because they are excluded from the debate on adoption, yet they were the heroes who rescued children from institutions.

I commend Senator Ryan for noticing the drafting error. There should not be restrictions on anyone.

Mr. Crowe: I support the amendment. Deputy McGrath was right when he spoke of the people affected. When we open the newspapers every day, we read reports of young people being abused. Some of those are now getting the opportunity to go to court, tell their stories and bring to account the people who abused them as children.

I share Deputy Gogarty’s concerns about the issue of the Ombudsman. We were given assurances by the Minister for Education and Science when discussing the Bill that the difficulty surrounding the Office of the Ombudsman would be resolved by future legislation. I hope the Minister stands over those assurances. It would be terrible if, due to an error, the Office of the Ombudsman were not able to investigate causes of concern. I congratulate Senator Ryan for spotting the error.

The legislation is positive and will, I hope, allay some of the concerns of the groups that made submissions throughout the process. There are still many people who are critical of how the process was set up. They are still angry, but the anger has much to do with the failure of the State up to now to take on board the hurt and anguish suffered by these people. They are also concerned that we get it right this time. I hope the situation is better now than it was at the beginning of this process.

Mr. B. Lenihan: In response to Deputy Enright’s query, the necessary regulations must be made by the Minister for Finance under the Freedom of Information Act, not by the Minister for Education and Science. The Minister for Finance is agreeable to make the necessary arrangements to ensure that the education finance board is subject to the Freedom of Information Act.

Other Deputies raised the issue of the clarity with which the Ombudsman was involved in appeals from the education finance board. Deputy O’Sullivan sought an absolute assurance on this and I am happy to provide her with it. I hope that also satisfies the other Deputies who contributed.

Mr. F. McGrath.

Business of Dáil: Motion.

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

That, notwithstanding anything in Standing Orders or the order of the Dáil of this day, in the event of a Private Notice Question being allowed today, it shall be taken from 4.15 p.m. to 5 p.m. The taking of questions by the Minister for Social and Family Affairs shall not resume thereafter.

Question put and agreed to.

Sitting suspended at 1 p.m. and resumed at 1.30 p.m.


The Dáil went into Committee to consider amendments from the Seanad.

Acting Chairman (Mr. Cowley): Seanad amendment No. 1 is a drafting amendment. Seanad amendments Nos. 2 to 6, inclusive, are related. Seanad amendments Nos. 1 to 6, inclusive, will be discussed together.

Seanad amendment No. 1:

Section 2: In page 6, subsection (2)(b), line 35, “the First Schedule” deleted and “Schedule 1” substituted.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 3: In page 7, line 22, “the First Schedule” deleted and “Schedule 1” substituted.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 4: In page 7, line 24, “the Second Schedule” deleted and “Schedule 2” substituted.

Senator amendment put and declared carried.

Seanad amendment reported.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I thank Deputies for their attendance today. There are two sets of amendments before the House. Seanad amendments Nos. 1 to 6, inclusive, are straightforward drafting amendments. They are required to reflect current drafting practice. The amendments simply alter the reference to the Schedules from First Schedule, Second Schedule, Third Schedule and Fourth Schedule to Schedule 1, Schedule 2, Schedule 3 and Schedule 4, respectively.

Seanad amendment agreed to.

Seanad amendment No. 2:

Section 3: In page 7, line 22, “the First Schedule” deleted and “Schedule 1” substituted.

Seanad amendment agreed to.

Seanad amendment No. 3:

Section 4: In page 7, line 24, “the Second Schedule” deleted and “Schedule 2” substituted.
Mr. B. Lenihan: I am bringing forward today amendments Nos. 7 to 16, inclusive, from Seanad Éireann which relate to the selection of a local resident as a member of the agency established by the Bill. During Report Stage a number of Deputies expressed reservations concerning the selection process for this particular member of the agency. I am sure Deputies will recognise that the development will benefit from having a resident it is important to ensure that the interests of the residents are properly represented and the process is democratic, transparent and as fair and inclusive as possible.

The Fourth Schedule sets out an election process for selecting a residents’ nominee on the agency and residents’ representatives on the consultative group. I have introduced amendments Nos. 7 to 16, inclusive, to improve the operation of this process.

Paragraph 2 of the Fourth Schedule provides a method of registering residents’ associations, community based groups, clubs and societies which will have an interest in the Grangegorman development. These groups will provide the constituencies for the election of the nominees to the agency and the consultative group. It is designed to be as inclusive as possible of everyone living in the area in terms of both civic amenity and economic potential.

The Minister has revised the election process for the selection of residents’ representatives. Amendment No. 8 changes the constituency to provide that the residents’ nominee to the agency will be nominated and selected by the residents’ associations and tenants’ associations in the Grangegorman neighbourhood.

The two residents’ representatives for the consultative group will be nominated and selected by a broader range of groups which will include community groups and associations, parish and district associations and groups, youth and sports clubs and similar non-commercial groups as well as residents’ and tenants’ associations. This is the fairest and most impartial method to ensure that the interests of the residents of the neighbourhood are properly and adequately reflected.

Amendment No. 7 and amendments Nos. 9 to 14, inclusive, are required to distinguish between the two separate elections, that is, one to the agency and one to the consultative group. Amendment No. 15 clarifies subparagraph (4) of the Schedule and states that a person may stand for election for the position on the agency and the consultative group, assuming he or she meets the required eligibility criteria. If he or she is successful, however, the person must elect which position he or she will exercise. The Minister is confident that the election process will be a success.

Amendment No. 16 is a saving provision designed to provide flexibility in the event that a difficulty arises. If a representative cannot be selected, the process must be restarted. If on the second attempt a representative still cannot be selected, the process will be recommenced and the chairperson can decide that nominees do not need to receive the support of two registered groups.

This major development is important, not only for the educational institution involved but for the significant positive impact it will make on the north side of Dublin. Placing all DIT at this north inner city location will make a significant contribution to the redevelopment of this part of the city. The positive benefits of the Bill include education and training, underpinning economic activity within the Grangegorman area, enhancing access opportunities, extending cultural facilities, the provision of recreational and sporting facilities, rebuilding and developing large areas of dereliction and creating direct and indirect employment opportunities. The Taoiseach has many pet projects.

Ms O'Sullivan: I hope this one goes better than the aquatic centre.

Mr. B. Lenihan: Not a penny lost there yet.
Ms O’Sullivan: I welcome overall the changes that have been made in the Seanad. In this House, we tried to broaden the representation to an extent greater than that to which the Minister has finally agreed. We would have liked more representation from residents’ groups and other groups working in the area, but I acknowledge that the Minister has come some way to meet the concerns of the Opposition.

Will the Minister of State clarify that these provisions entail residents’ associations and tenants’ associations in the Grangegorman neighbourhood for the agency election, but that a wider group may register as interested groups for the consultative group election where there will be two such representatives? If the Minister of State could clarify that, everything else in the other amendments follows from that matter arising in amendments Nos. 7 and 8.

Mr. B. Lenihan: The position is as stated by the Deputy.

Seanad amendment agreed to.

Seanad amendment No. 8:

Fourth Schedule: In page 31, subparagraph (1), all words from and including “invite” in line 17 down to and including “group” in line 21 deleted and “invite —
(i) resident associations and tenants associations in the Grangegorman neighbourhood to register as an interested ‘registered group’ for the Agency election, and
(ii) community groups and associations, including resident and tenants associations, parish and district associations and groups, youth and sports clubs, and similar non-commercial groups in the Grangegorman neighbourhood to register as an interested ‘registered group’ for the Consultative Group election.” substituted.

Seanad amendment agreed to.

Seanad amendment No. 9:

Fourth Schedule: In page 31, subparagraph (2), line 22, “The register” deleted and “Each register” substituted.

Seanad amendment agreed to.

Seanad amendment No. 10:

Fourth Schedule: In page 31, subparagraph (3), line 28, “list” deleted and “lists” substituted.

Seanad amendment agreed to.

Seanad amendment No. 11:

Fourth Schedule: In page 31, subparagraph (3), line 28, “list” deleted and “lists” substituted.

Seanad amendment agreed to.

Seanad amendment No. 12:

Fourth Schedule: In page 31, all words from and including “of” where it secondly occurs in line 29 down to and including “of the registered groups (‘election meeting’), in respect of the Agency election and the Consultative Group election, to take place as soon as practicable after the expiry of the registration period. The purpose of each election meeting shall be the election of the residents’ nominee to the Agency and the 2 residents’ members of the Consultative Group, respectively” substituted.

Seanad amendment agreed to.

Seanad amendment No. 13:

Fourth Schedule: In page 31, subparagraph (2), lines 13 and 14, “election of the residents’ nominee to the Agency and the residents’ members of the Consultative Group” deleted and “Agency election and the Consultative Group election” substituted.

Seanad amendment agreed to.

Seanad amendment No. 14:

Fourth Schedule: In page 32, subparagraph (2), lines 13 and 14, “election of the residents’ nominee to the Agency and the residents’ members of the Consultative Group” deleted and “Agency election and the Consultative Group election” substituted.

Seanad amendment agreed to.

Seanad amendment No. 15:

Fourth Schedule: In page 32, subparagraph (4), line 23, “An” deleted and “Where an individual is nominated in respect of both the Agency election and the Consultative Group election, that” substituted.

Seanad amendment agreed to.

Seanad amendment No. 16:

Fourth Schedule: In page 32, after line 46, the following inserted:

“7. (1) Where, for whatever reason, following the conduct of arrangements in accordance with the provisions of this Schedule, a residents’ nominee to the Agency or a residents’ member of the Consultative Group cannot be elected, then the chairperson may provide for a fresh registration period to facilitate the registration of additional registered groups as provided in paragraph 2 of this Schedule and shall call
for fresh nominations for appointment to the Agency or to the Consultative Group and cause a fresh election to be held in accordance with the provision of this Schedule as soon as practicable thereafter.

(2) If the subsequent arrangements for an election fail to yield a residents’ nominee to the Agency or a residents’ member of the Consultative Group, then the chairperson shall provide for a fresh registration period to facilitate the registration of additional registered groups as provided in paragraph 2 of this Schedule. The chairperson shall call for fresh nominations for appointment to the Agency or to the Consultative Group and cause a further election to be held in accordance with the provision of this Schedule, provided however that the chairperson may at his or her discretion waive the requirement for nominees to be nominated by at least 2 registered groups.”.

Seanad amendment agreed to.

Seanad amendments reported.

Health and Social Care Professionals Bill 2004
[Seanad]: Second Stage (Resumed).

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

Mr. Neville: I welcome the opportunity to speak on the Bill. I raised some issues last night with the Minister of State at the Department of Health and Children, Deputy Seán Power, who has agreed to examine them and I am awaiting a reply.

Doctors are often criticised for refusing to make a complaint against a colleague. It is sometimes believed that this is the result of an old boys’ club approach. However, it has more to do with the fact that they have no protection in law if they raise issues of concern. The Dr. Neary affair was a case in point. That issue came to public notice because two student midwives, who had trained in Northern Ireland where is a different legislative framework, were horrified by what they saw taking place in Our Lady’s Hospital in Drogheda and complained to their supervisor. The matter came to light when the supervisor took the complaint further.

Why are consultants, who are very important and powerful people in hospitals in their own right, afraid to report their colleagues even to the Medical Council? The main reason is fear of litigation. If one cannot prove an accusation, one may find oneself in the High Court even if the allegation is true. Hearsay and circumstantial evidence are not sufficient. One must be in a position to demonstrate a problem exists. If one is proved wrong, the accused person can sue for defamation, even if the information is true but unproven. This creates a serious gap in ensuring safety in hospitals and that issues that arise from time to time are addressed are reported.

The Minister must address the absence of political and administrative support for consultants and other medical personnel who make a complaint and find themselves out on a limb as colleagues close ranks. Legislation on the medical profession, including this Bill, does not protect patients or doctors because it is ineffective when those at the top show weakness or lack of leadership. Fundamental changes are required to make this type of legislation work. The Bill is too reliant on people being genuine and well intentioned. We must bear in mind that if someone wishes to play the legal system or has ulterior motives or another agenda, the legislation will fail those it is meant to protect. For this reason the Government should consider the introduction of whistle-blowing legislation.

It may transpire that a complaint made against a person is not completely true. Many such cases have become before the Medical Council which receives a large number of complaints about medical practitioners. Patients, for example, complain about the manner in which they have been treated by doctors. This is quite a regular occurrence. Many of these doctors are caring and considerate people and can be very upset and badly affected by complaints made against them. Such complaints are not always malicious as patients may genuinely believe they have been badly treated. Even if it is shown by the Medical Council that the doctor was not negligent or incompetent and is declared innocent after 12 months or so, the doctor still feels wronged if it takes 12 months to vindicate his or her good name.

There is nothing in place at present to protect consultants who make a complaint, even if the complaint is not substantiated in the long term. This is the case throughout the public service, including the Garda Síochána, the teaching profession and the medical profession, from psychotherapists to chiropodists and all the professions the Minister has included in the Bill, as well as those that will seek registration on the new body. We do not have a proper mechanism to enable people to make their views and concerns known without having to worry that if they put their concerns in writing or make a complaint, a lily-livered or weak-hearted administrator will release the information.

Legislation is the way forward. I therefore welcome the Bill. There is far too much ad hoc regulation of the health care professions. I have been concerned for some time that somebody can call themselves a counsellor, put up a plate and operate as a counsellor without any training. There is very little regulation of such people, whether they are marriage counsellors, career guidance counsellors, bereavement counsellors or any other type of counsellor, and that can be quite dangerous, particularly where a person is in crisis. We have heard scary stories from time to time regarding the advice given by counsellors to
people and the lack of proper regulation of such people who sometimes charge well. People inside and outside the House are also aware of complaints regarding people involved in alternative medicine claiming they have cures for cancer and so on. Large amounts of money are charged by such people on questionable grounds. There is a need to ensure there is regulation of this area and that penalties apply where there is abuse.

Some professionals believe they have been left out of the legislation as some titles are not specifically mentioned. One of the most important issues to arise since the introduction of the legislation relates to the title of physical therapist. Most of us have been contacted about this issue and we have received correspondence on it. It must be addressed on Committee Stage. If it is not resolved before the legislation is enacted, the title of physical therapist will remain outside the Bill's scope, thus creating more problems in the future. The Government should take the bull by the horns and deal with this issue now as it will arise in the future. I look forward to a more detailed discussion on Committee Stage.

A number of other organisations are omitted from the scope of the Bill. Given the complexity of medicine and the many qualifications now available, many other bodies will seek to be included in the legislation. In the same way as the Medical Council has given the medical profession status, patients want all health care providers to be covered by governing councils. The public will think those who are not included in the legislation are alternative or unqualified practitioners. That will have a detrimental effect on many people with qualifications who believe they should be included in the legislation. We must reduce ambiguity to serve the public interest and the Government must legislate for alternative practitioners at some stage. It is becoming so complex that people do not know where they stand.

Psychologists are included in the Bill. However, some people call themselves psychologists and counsellors. We must clarify the qualifications required in that regard. People who qualify as psychologists have studied at a third level institution for a long time. They may be left out of the legislation, although we currently consider them psychotherapists. These people often have qualifications other than those attained at university. Others who do not have a qualification will also be left out. Perhaps the legislation could differentiate between patients and doctors because they do not know the qualifications of those described as counsellors and psychotherapists. It is a profession and it should be included along with the other 12 already mentioned in the legislation. Are there any means to consider that? If that group is established and meets the rules, can the Minister issue a regulation to include it in the legislation?

Perhaps a regulatory body with 13 members will have to be set up. How would that fit in with the council proposed by the Minister? Would it be difficult to nominate a member to the council? The majority of the 12 organisations mentioned participate in the public service. Perhaps the Minister believes that once they are covered, the public service remit will have been fulfilled. Does the Minister intend to look after the other bodies which do not have a public service role?

We often ask about the definition of a medical scientist. It was stated that it is included in the Bill. Is it someone working in a pharmaceutical company, a laboratory or a hospital or is it a science graduate who is perhaps doing controversial research on embryos in a university? Perhaps this issue should be teased out on Committee Stage. We must bear in mind that there are also external factors to be considered. If someone is carrying out stem cell or embryo research, will he or she come under this legislation? Would he or she break the law if he or she did something which this House had not approved?

Has the Minister named the representative bodies of the 12 professions mentioned in the legislation? Physiotherapists are represented by two organisations which will be nominated as being responsible for looking after their needs. Many of the bodies have at least two representative organisations and there could be conflict if one is chosen over the other. We must examine this issue on Committee Stage because the Bill is not clear in that regard.

All the organisations mentioned by the Minister are involved in either the health or social welfare services. Why then are the ministerial nominees of these bodies named by the Minister for Enterprise, Trade and Employment and not by the Minister for Health and Children? I am interested to hear the Minister's response in that regard.

The sections of the Bill on registration, education, training, complaints, inquiries and disciplinary procedures are welcome. They follow the criteria used by the Medical Council on making complaints. The council, however, is moving towards all professional conduct committee hearings being heard in public. That has created anxiety for members of the medical profession because if a committee hearing is held in public, it will be reported in the media. If the committee finds that all charges are baseless, the media will not report that. There is no story if someone is innocent, only if someone is found guilty. The media is not obliged to report a story if someone is found innocent. However, in the interests of balance and fair play one would like to ensure that information about a person who has been publicly subjected to charges or suggestions about their profession but who has been found innocent is fully reported.

Many professions will find themselves in a unique position when complaints are made about them. It is difficult for patients to get a hearing. Many of the professionals will be surprised when this legislation is enacted. At least the health committees will be held in private because they
will deal with emotional subjects for everyone involved.

We would welcome a statement from the Minister on the number of professionals available in the psychiatric services. I am talking about psychologists and occupational therapists who are important in that area. The Irish College of Psychiatrists has informed us that 70% of its psychiatrists do not have a psychotherapist available to them. Some psychiatrists handle up to 600 patients at any one time. One psychiatrist told the Oireachtas Joint Committee on Health and Children that we would welcome a debate on the need for multidisciplinary psychiatric teams to deal with hospital and community psychiatry.

Mr. Dennehy: I also welcome the opportunity to speak on this important Bill in the area of health care regulation. I am happy the Fine Gael spokesperson has welcomed the Bill. We should all work to improve this area. I am sure issues will arise which will have to be teased out on Committee Stage.

The Minister of State, Deputy Seán Power, told us last week that the Bill will provide a system whereby individual members of the 12 listed professions will be certified as competent to practise. Unlike the present voluntary system, this will be a legally binding process with a mechanism for the prosecution of offences. That is an important aspect of the Bill. We were told its establishment would bring a system of statutory registration which we all agree is essential to ensure that members of the public are guided, protected and informed so that they can be confident that the health and social professionals providing services are properly qualified, competent and fit to practise. The system will ensure professional conduct and the maintenance of high standards of professional education and training among health and social care professionals. The statutory registration of the 12 health and social care professionals listed, regardless of whether they work in the public or private sector or are self-employed, is long overdue. This work has been ongoing since at least 2000. It is critically important legislation for the reasons outlined by Deputy Neville and others.

I welcome the fact that the legislation will cover the private sector and the self-employed. Many of us involved in the public health care area have been concerned for many years about the lack of control over people who set themselves up as professionals, particularly in the private and self-employed sectors where few or no checks are carried out. There are concerns about several professions, especially those dealing with clients accessing mental health care such as psychologists and counsellors. Whether coping with alcohol or drug problems or other psychological difficulties, clients are especially vulnerable to coming under the care of people who do not have the professional expertise to deal with their problems and who are not, to put it mildly, best qualified to provide assistance.

My focus in considering the Bill is the need to protect the public from a medical care perspective. In that context, I notice the expression of concern by the Competition Authority about restrictive practices that might emerge on foot of the passing of the legislation. While medical care must be the overriding concern of the Oireachtas, I acknowledge warnings in the authority’s report that professions may be able to manipulate the conditions of entry and the numbers being trained for their own benefit. The Committee on Health and Children has spent the past few years attempting to deal with orthodontics but the vested interests have beaten us until now. They have been able to manipulate matters to the extent that there are so few practitioners that the cost of treatment has become prohibitive. As I have said, however, our priority must remain the health care aspects of the legislation. Restrictive practices can be dealt with elsewhere and at a later date.

On 28 October 2004, the Taoiseach announced the publication of the Bill and said the purpose of establishing a regulatory system was to ensure that members of the public would be guided, protected and informed to give them confidence that health and social care professionals providing services are properly qualified, competent and fit to practice. The worries of the Competition Authority about pricing can be addressed later, but it is the job of the Tánaiste and the Ministers of State, Deputies Seán Power and Brian Lenihan, to ensure that purely health issues are dealt with in the legislation. I agree with Deputy Seán Power and the Tánaiste that the legislation is a key action in the health strategy on quality and fairness to expand and strengthen the regulatory environment in the health sector. It is long overdue. Like Deputy Neville, I am worried by the emergence of alternative medicine and practices and, in particular, by the proliferation of people who describe themselves as professional counsellors. It is imperative to introduce controlling mechanisms in these areas.

The Tánaiste described the system of statutory regulation proposed in the Bill as open and transparent and characterised by strong public interest representation that will serve to enhance the quality and accountability of health and social care services provided to the public. While most people will welcome her statement, the IMPACT trade union has expressed concerns as the representative body for quite a number of those who will be regulated under the legislation. IMPACT argues that the professions have waited for the legislation for a long time and makes a case, rightly or wrongly, that its members are being treated as second-class professionals within the health service.

IMPACT says there is no good reason for introducing different approaches for different professions and cites the example of the Irish Medical Council and An Bord Altranais, which regulate doctors and nursing staff, respectively. The majority of members of the boards of those
bodies are members of the relevant professions. While I may have misread the report and the earlier documentation from the Tánaiste, I got the impression that the report was the first of three and that arrangements for the medical profession and nursing will also change. I understand the Tánaiste intends to bring forward further proposals to ensure that everyone is treated in practically the same way or according to the same criteria. I would appreciate a comment on that from the Minister of State in his reply. While I appreciate the need of trade unions to ensure their members are treated properly, IMPACT’s concern is misplaced if it relates to the ratio on a board of members of the profession to people appointed from outside. While serving on a health board for many years, I found that a very fair balance had been struck. A 6:7 breakdown on registration boards is not too bad.

Unlike the Ceann Comhairle, I am not qualified to decide what is required in a good counsellor or therapist. I respect fully, however, the other professions listed in the Bill and am concerned about the untold damage a quack could do practising in mental care. Some of the people who have gone into the area have a chip on their shoulder. Some who have earned degrees or status in other walks of life have simply put a plaque on the wall and immediately become professional counsellors. If a person does not have relevant training, even if he or she holds a related degree, he or she should not be in a position to function as a professional in the discipline in question. It is the duty of the State to ensure that cannot happen in the health care field.

Deputy Neville mentioned the significant changes that have taken place with the development of alternative medicine and the split in specialisms. I thought a cardiac surgeon was someone who did heart operations, but then I found out there was a cardiac thoracic surgeon. As we have seen professions coin titles in the United States of America at the drop of hat, I fear that practitioners here will simply change title to operate free and easy. There is a need for provisions to control those who might attempt to avoid regulation as a member of one of the 12 professions designated in the Bill. The matter will have to be kept under observation.

I emphasise that I do not take issue with alternative medicine and am not qualified to argue against it. I do not argue against the use by people of faith healing provided there are controls and that people are aware of what they are buying into. Issues of mental health, for example, are simply too sensitive to leave unregulated. A fractured leg is an obvious injury to treat, but matters are much more difficult where mental health is involved.

The debate in this area has been ongoing since at least 2000. The consultative document, Statutory Registration for Health and Social Care Professionals: Proposals for the Way Forward, was published in October 2000. As the matter has been in gestation for quite a long time, it is important to make progress. Deputy Neville referred to a further matter of contention, the representation of chartered physiotherapists by two separate bodies. While the Department will have to make a ruling on who is in and who is out, I sound a note of caution that people with bona fide qualifications should not be pushed aside simply because there is a group with a longer-standing title. The people who are qualified to adjudicate the matter are the officials and line Ministers in the Department.

Each registration board will have 13 members, six to be members of the particular profession and seven from outside the profession to be appointed by the Minister. Each registration board will determine criteria for registration and so on. One of my concerns relates to numbers. With just the first tranche of professions we already have at least 156 people, plus 25 on the health and social care professionals council, plus the chief executive and his or her staff. I am not sure how many more professions it is intended to add to the list but it appears that the final number of people involved will be very unwieldy. I would hazard a guess that it is almost back to the health board figures already. I take the point that each registration board must have a separate group and that each profession must be individually monitored, but there is a significant number of people involved in that. I am concerned that the left hand will not know what the right hand is doing.

It is intended that the chief executive officer would operate between the 12 bodies. We have been there and done that and it does not operate that way. Nobody can keep track of all these people. Will the Minister look at this proposed arrangement to see if it can be made less unwieldy? Speaking from my health board experience, I do not know how it could function efficiently. It was difficult to keep in touch with the three former standing committees on mental health, community care and general hospitals. It was mission impossible.

This is an important document. One section deals with protection of titles. The Minister is empowered to protect additional titles by regulation. That area must be copperfastened. It would be an offence for an unregistered practitioner to use a protected title or to falsely represent himself or herself as being a registered practitioner. Will practitioners of alternative medicine have to come up with alternative names for a particular practice? Will there be a mechanism for ensuring that the practice cannot be one of the listed ones?

The issue of physiotherapists has been discussed. New names are regularly coined in the United States such as sanitary engineers for dustbin collectors and so on. This area must be tightened up. It was stated in committee that people will not be able to work their way around it. As we have seen with all forms of medicine, the public is willing to buy into anything if they have
the money. The public must be protected. I accept that the Bill, which is long overdue, is a key action in the health strategy, Quality and Fairness — A Health System for You. It is intended to expand this list. Deputy Neville referred to a few possibilities. I am interested in finding out what is proposed.

Section 9 deals with the 25-member council about which I am concerned. Deputy Neville also referred to the fact that appointments would be made with the consent of the Minister for Enterprise, Trade and Employment. I was tempted to ask him about this when I had lunch with him today but I did not want to spoil his lunch. It is surprising that it is not the Minister for Health and Children.

The coherence and consistency of the system is critical. The intention is to promote uniformity of practice among registration boards. I am concerned that each of the 12 bodies would only look after its own bailiwick. There must be consistency. Deputy Neville expressed concern about the proceedings being held in public. Many disciplinary hearings that should be easily dealt with appear to require the involvement of junior and senior counsel. Very often they beat the system. Natural justice crops up and the courts find in favour of people. I am concerned that with 156 people vying for different things, we could be in trouble in this regard. I would like to hear how this matter would be handled.

In the past, some of the right to practise groups such as nursing groups and the medical board were challenged legally. Deputy Neville outlined how the three statutory committees, the preliminary proceedings committee, a health committee and a professional conduct committee, would operate. It is complicated. I am concerned that, as we have seen in so many cases, the intervention of the legal profession would make it unworkable. Are these powers stronger and how do they differ from the powers of the nursing board or the medical disciplinary board?

In that context, I welcome the fact that in extreme and urgent circumstances the council may apply to the High Court to suspend a practitioner pending completion of an inquiry. There has been a failure to do that in the past in certain circumstances where the outcome was tragic. It is important that people can take the initiative. It is not just business or an environmental issue that may be able to wait. We are talking about health and it is important that we would be able to move fairly quickly.

The battle between the therapists will have to be adjudicated upon but it should be dealt with quite quickly. It is not just the Irish Society of Chartered Physiotherapists and its competitors that are involved. It relates to the area of regulation and of people being able to set up a separate category, separate title and to move on from there.

I compliment those involved in the committee that was set up to examine social care professionals. They have done a great deal and examined the issue of house parents and so on. They have looked at the child care area and having done an audit of the needs, they are willing to train people, which is crucially important. Many people will need training once the legislation is put in place. We should remember that and help to supply that training.

Mr. Coveney: I am pleased to have an opportunity to say a few words on this Bill. The Fine Gael Party welcomes the thinking and purpose behind it. It provides for the establishment of a system of statutory registration for certain health and social care professionals as well as ongoing regulation. The Bill is not before time. It is quite extraordinary that the Government or previous Ministers under various Governments did not see fit to introduce such legislation before now. It is surely a vital responsibility of legislators to ensure that those professionals who provide health and social care to citizens are adequately and independently regulated by a suitable system.

I am pleased to hear the Bill is the first of three which form part of the reform process of the health provision regulatory environment. The Minister made it clear in the Seanad that this Bill is the first of three steps to improve legislation in this area. Legislative measures to cover medical practitioners and nurses are to follow. I urge the Minister to introduce these as soon as possible. Perhaps the Minister of State, Deputy Brian Lenihan, will indicate when they are likely to be introduced.

This Bill covers statutory registration for chiropodists, clinical biochemists, dietitians, medical scientists, occupational therapists, orthoptists, physiotherapists, psychologists, radiographers, social care workers, social workers and speech and language therapists. A broad range of vital health services is covered by these professions. Members who have worked on health boards, as I have done, will be aware of the importance of the combination of skills such professionals possess.

We must ensure the consumer is provided with a constant standard of care throughout the country. When a child needs specialist care, for example, its guardian or parent has no way of assessing accurately whether the available specialist, if there is one in the area, operates to an acceptable standard or has an acceptable skill level. Parents need to rely on the State and professional bodies to ensure a common standard of excellence is applied. That is the essence of this Bill and the reason it must be welcomed. The State is responding, albeit belatedly, to put a system in place to ensure that when parents take a young child to an occupational therapist or speech and language therapist, whether he or she is in Cork, Galway, Limerick or Mayo, they can be sure of a certain standard of skill or care.

The national health strategy has many themes but the most important may be that of so-called patient-centred approaches to health care policy. This Bill represents a step forward in strengthen-
The principles of this legislation are welcome because we are ensuring a common standard, but when one reads the list of professions covered by the Bill, one realises that, in the majority of cases, there are not enough professionals in Ireland to provide adequate services. A parent looking for an occupational therapist or speech and language therapist for a child, or a physiotherapist for an elderly person, will note a shortage of staff. If one talks to social workers, they will tell one they are over-worked. Although we need to ensure a common standard, we also need to ensure that when we bring in health and social care professionals from outside the European Union, as we will have to do, we will adopt a streamlined approach to recognising their qualifications.

On registration, there is a need to add further professions to those covered by the Bill. Other speakers have referred to this. An osteopath visited my office recently and spoke about UK legislation, dating from 1993, which created a new registrar for qualified professionals, run by the General Osteopathic Council. Nine organisations representing osteopaths were amalgamated into a single registrar. We have no such registrar in Ireland. Regardless of whether legislation is required in its own right to address this issue or whether it can be addressed through this Bill, we must consider it.

Deputy Neville referred to the difference between physical therapists and physiotherapists. More clarity is required in this area and I hope the issue will be explored on Committee Stage.

If the Minister of State chooses to add another profession to the list of 12, the Dáil and Seanad should be consulted. I am unclear how this can be done, or whether a Minister can do it of his or her own accord.

After registration issues, one must consider the ongoing regulatory procedures dealt with in the Bill. Complaints of malpractice will be dealt by the health and social care professional council which is comprised of 25 people. Is it necessary to have so many? This number, however, was chosen in a bid to represent the 12 sectors concerned with the Bill together with 13 other individuals nominated by the Minister to ensure a majority of non-health care people.

We should consider Deputy Twomey’s point with regard to this matter. There is a need for whistleblower legislation in health care, as well as across a range of other sectors. Deputy Rabbitte raised the issue this morning and it has been promised time and again. Such legislation needs to be brought forward as a priority so that people who need to make a complaint can do so without fear of intimidation or potentially losing their job because of internal medical politics or downright bullying.

Junior doctors may feel they should report something resulting from the work of a more senior consultant doctor in a hospital. Systems should be put in place to ensure that if somebody makes a complaint, whether they are a member of the public or, more importantly, another health care worker, they and their job are protected and they will not be discriminated against.

This Bill moves regulation in health care in the right direction and, most importantly, protects the public. We should not expect parents or people who are ill to attempt to assess the doctor or professional they attend. That must be a given. Those people must be sure that the State has pro-
vided the necessary structures to ensure they can go to a health professional in the knowledge that the person is of an acceptable standard for them, their child, parent or family member.

The Bill protects the integrity of the health professional’s title. People deserve recognition if they go to the trouble of educating themselves, sometimes over a period of ten years, to obtain a qualification. Others who take shortcuts and set themselves up as so-called health experts without the necessary qualifications must be exposed. This is not happening to a sufficient extent at present. The protection of professional titles is extremely important in health care because it also ensures that titles and professions are associated with excellence by rooting out people who are not suitable or capable of being health care professionals, doctors, social workers, physiotherapists etc.

The Bill also protects the State. In years to come, people may well ask why we did not introduce the legislation earlier. There is a State responsibility if people have suffered as a result of malpractice and this legislation provides for necessary protection in the future.

Perhaps the Minister of State would outline when we are likely to see similar legislation for nursing and medical doctors, so that we in Opposition can add our support when it comes forward. This is a move in the right direction. It is only a very small sector within the overall health portfolio. However, positive decisions such as this should be recognised.

**Mr. O’Connor:** I thank the Chair for allowing me the opportunity to speak on this legislation. I welcome the Minister of State, Deputy Brian Lenihan, and always take every opportunity to praise his work in the Department of Health and Children.

I am glad we are having such a civilised debate at the end of the Dáil term and compliment Deputy Coveney on his speech. It is important that legislation which is good and regarded as helpful and useful is welcomed by all sides of the House. I am happy that this is the case in respect of the Health and Social Care Professionals Bill.

I acknowledge the representations I received from my constituency and professional organisations, some of which have been referred to. People, particularly those in the professions, are very glad that this overdue legislation is now before us.

When launching the Bill on 28 October 2004, the Tánaiste said it would provide for the establishment of a system of statutory registration for health and social care professionals. She went on to explain that the legislation is key to the health care approach, particularly in respect of the Quality and Fairness strategy and will expand and strengthen the regulatory environment in the health sector.

Like Deputy Dennehy, I am happy to sketch my own interest in this matter. I was a member of South Dublin County Council in 1994 and fortunate to be appointed to the then Eastern Health Board where I remained until the establishment of the Eastern Regional Health Authority. I was the founder chairman of the South Western Area Health Board. Apart from the everyday experience I have had in my life, the time I spent working in the health boards gave me tremendous experience which I can now bring to my work as a Deputy and legislator.

The purpose of establishing this regulatory system is to ensure members of the public are guided, protected and informed so that they can be confident that health and social care professionals are properly qualified, competent and fit to practice. When the Bill was published, the Department described the system of statutory regulation proposed as open and transparent, characterised by strong public interest representation which will serve to enhance the quality and accountability of health and social care services provided to the public. We have moved on since the health boards but I am sensitive to the need to make the health services accountable. Some process should be found to allow public representatives make a contribution in that regard.

I find the Health Service Executive is now dealing with our queries and correspondence in a professional way and that is as it should be. It is important we stress to the executive that those of us who are privileged enough to represent our communities often have many health queries and it is important that it would continue to provide a service for us so we can serve people in the community.

The system of statutory registration will apply in the first instance to 12 health and social care professions, including chiropodists, clinical biochemists, dieticians, medical scientists, occupational therapists, physiotherapists, psychologists, radiographers, social care professionals, social workers and speech and language therapists, irrespective of whether the professional works in the public or private sector or is self-employed. This is the first of three pieces of legislation to reform the regulatory environment for health professions, with legislation for medical practitioners and nurses to follow. It should be said that not everybody welcomed this legislation when it was published and many Deputies were in receipt of correspondence and representations from IMPACT, among other groups, making its case regarding the provisions in the Bill.

I represent Dublin South-West which embraces Brittas, Bohernabreena, Firhouse, Greenhills, Templeogue and Tallaght and the issue of the lack of speech and language therapists crops up regularly through representations from parents, schools and Tallaght Hospital. While not wanting to divert from the issues relating to the Bill, I wish to make the Minister of State aware that there is still a great demand for speech and language therapists in various communities and my constituency is no different from anywhere else in that regard. Since I became a Dáil Deputy three years ago, I have had a number of queries in that
Mr. O'Connor: I told the journalist that I was too busy to make plans at present and would wait until the Dáil was in recess before making any arrangements, but that I would be staying at home. I am always happy to stay at home. I have no problem with going abroad but as many of us as possible should stay at home and enjoy the countryside and I am happy to do that.

The titles of the various professions referred to in the Bill will be protected and it will be an offence for a person who is unregistered to offer professional services to the public. I have already listed the organisations that are involved in that regard. Other colleagues have referred to the conflicting — I hope that word is not offensive — correspondence we have received from the Irish Society of Chartered Physiotherapists and the Institute of Physical Therapy. Both organisations made their case strongly and their respective positions are now a matter of record among Members. To a great extent, it is incumbent on both organisations to make their case and to explain their views regarding the divisions between them. I will not necessarily put all of the documents on record, but it is important the Minister of State is aware in the context of this debate that Deputies are in receipt of a great deal of correspondence on this matter. Perhaps the Minister of State could note that point and provide us with some advice on the matter when he is summing up at the end of this debate.

Many people will ask why particular legislation is being introduced but the case has been well made regarding this Bill. I have spoken to many people in my constituency who have said that they are happy that a regulatory system for these professionals has come to fruition, even if it is a little overdue. The important and positive point is that the legislation is now before us and the matter is being dealt with.

Moves to introduce legislation to provide for the registration of certain health and social services professions have, according to the Department of Health and Children, been under consideration for a significant period. The Department has explained that, for various reasons, it has not been possible to proceed with legislation in the past. There are several pressing reasons such legislation should now be introduced. There are legitimate and genuine concerns among members of the public who need to be guided and protected so that they are confident that the professionals providing services are competent and qualified.

The professional bodies have made the point in all their representations that they require protection where normal operational procedures and ethical factors make it impossible to exclude those who are unqualified or insufficiently qualified from engaging in professional activity. Among other reasons, this is because the professional bodies can only apply an ethical code to
their own members. The good name and reputation of the majority can be damaged by the actions of a small minority that bring the profession into disrepute, unless there is a mechanism for sanctioning professional misconduct and misdemeanour.

A proper system of registration can allow for the investigation of allegations of incompetence or misconduct and enable disciplinary action to be taken. It can also provide a mechanism whereby practitioners who are compromised by ill-health or addiction can be dealt with appropriately and that is something which would be generally welcomed.

Registration provides a legislative framework for the evaluation and approval of education and training courses, examinations, qualifications and institutions. This guarantees the proper development of education and training across the professions and some professions are already discharging these functions.

Registration also provides a more widely informed and participative forum for the administration and implementation of the EU directives on the mutual recognition of third level qualifications in EU member states. It will also lead to greater consistency in the application of those directives. Voluntary codes of registration, while very useful in themselves, cannot by definition offer the legal protection afforded by a system of statutory registration. There must be a strong commitment to deliver the best possible service to patients and clients. This must be the primary concern of all when developing a system of registration for health and social care professionals in the State.

The proposal is for a system of statutory self-registration for social care professionals and the other 12 health and social professions involved. The regime would provide a formal legal framework and administrative infrastructure within which the quality of the services provided to the public and the future development of the professions can be assured.

The regulatory system will comprise a registration board for each profession to be registered, a health and social care professionals council with overall responsibility for the system and three statutory committees to deal with disciplinary matters. A chief executive officer and staff will administer the system. To ensure consistency across the registration boards, the chief executive officer will act as a registrar for each registration board.

This House has dealt with many interesting and important issues over the past months and it would be unfair to single out one Bill. However, in this Dáil term the Department of Health and Children has been to the forefront in a number of major debates on legislation. Like everyone else, the Department will be glad to pause and draw breath in the summer recess. I wish the Tánaiste, the Ministers of State and the departmental officials well. It has been a somewhat difficult time during which they have dealt with different issues. They provide a public service and they have the public’s confidence in that regard.

There will be other occasions when I will talk about the needs of Tallaght and Tallaght Hospital. I will certainly talk more about child care issues in my constituency. I am always happy to invite and welcome the Minister of State, Deputy Brian Lenihan, to my constituency. I hope he will take every opportunity to come.

I will support this important legislation. The professions concerned regard it as a ground breaking Bill. As Senator Ormonde has often stated, one must look after the public and continue to give the public what it wants. This Bill will regulate various professions and services provided to the public on a daily basis and as such will be welcomed.

I take this opportunity to wish the Ceann Comhairle and the staff of the House well and hope they have a good summer.

Mr. Crawford: Before Deputy O’Connor leaves the House I wish to comment on his contribution. I was glad to hear him admit that he regretted voting for the demise of the health boards. They were useful to Deputies because we now have no avenue of access to the health services. The Minister in her replies to our parliamentary questions states the Health Service Executive must deal with questions and everything is brushed aside.

Mr. O’Connor: A Fine Gael Government would have done the same.

Mr. Crawford: I wish the Deputy well. I heard him on radio explaining that he was the first person nominated for the next Dáil but he should remember that is only the first hurdle and there will be many other hurdles to overcome. Unlike his colleague and my constituency colleague, he is not in the safest seat.

Mr. O’Connor: I am in the most marginal seat in the country.

Mr. Crawford: Our colleague has the safest seat in the country, unless his horse falls.

An Ceann Comhairle: The Ceann Comhairle cannot be included.

Mr. Crawford: It takes a good man to admit that mistakes were made so I wish the Deputy well personally but I hope plenty of his colleagues fall.

Mr. O’Connor: Can I quote the Deputy in my leaflet?

Mr. Crawford: I welcome the opportunity to speak on this important legislation. Our health and social care and the different professions covered by this Bill provide a vital service to the country. It is important that those under their care can be assured they are fully qualified and trained professionals.
The registration system must ensure that the best possible service is delivered to patients, clients and service users. However, it is vital that the new structures do not have adverse effects on competition in the various professions. I welcome the proposed system of self-regulation that includes members of the professions involved and members of other sectors, including the general public. Registration of health professionals is necessary to ease the legitimate concerns of the general public that they are visiting a health professional who is properly trained and competent to look after them. Registration gives both professionals and the public protection from quacks and non-qualified persons working in specific health areas. Registration can also protect the good name of a profession.

A proper registration system gives the public and the professions protection because it allows investigation into all allegations of misconduct or incompetence. The registration framework of statutory regulation allows for the appraisal and approval of education and training courses, examination, qualifications and institutions, thus ensuring a proper development of education and training across the professions. It also allows consistency in the application of EU directives concerned with mutual recognition of third level qualifications in EU member states.

While section 4 allows for the addition of other health and social care professions in the future, this Bill deals with 12 professions. However, the health service has approximately 35 grades that come within the overall terms of health and social care. Will this section also allow the registration of specialties or will this issue be left to the registration boards? Health and safety officers were included in the initial consultation process and I ask the reason they are not included in the provisions of this Bill.

Physiotherapists as a group seem to be more concerned than most regarding this Bill. I have received representations from physiotherapists in the past week and also representations from the physical therapists.

They are anxious regarding the protection of title of their professions. Many members of the public consider the two professions to be the same but this is not the case. Efforts to have the two separate titles included in section 4 were not accepted. I ask that the Minister consider this matter again to avoid confusion.

I received a letter today from a constituent who has a degree but is now in his third year as a student of physical therapy. He believes his study and work should be recognised in its own right. In his opinion, the role of physical therapist should be recognised and the position should be clarified. I am currently receiving treatment from a physiotherapist. I am biased in that direction as she, hopefully, is doing an extremely good job.

In dealing with health and safety aspects related to the legislation, I cannot but refer to the recent controversy about nursing homes. This was obviously a case where lack of supervision brought an important sector into dispute. It was shown by the “Prime Time Investigates” programme and other reports that individuals in different professions have failed completely to honour their role in regard to patients and thereby damaged the credibility of the whole system. It is vital that new criteria are put in place to make sure that this neglect does not happen again not only for the sake of the elderly and the disabled in the long term but also for the credibility of the health service.

There seems to be no measure in the Bill to protect consultants or others who may make a complaint. One cannot but reflect on the extremely serious incidents that happened in Our Lady of Lourdes Hospital in Drogheda in my health board area, as it used to be known. For years practices were not reported as people were afraid to report them because of what might happen to them. There is ongoing litigation and a demand for an inquiry into those incidents. This Bill, prior to being passed, must provide that where a consultant or a practitioner at that level believes it is necessary to make a complaint, he or she can do so in confidence to ensure that at least such a complaint is investigated so that the highest standards of health care obtain. I urge the Minister of State to examine that aspect of the Bill.

Having met the victims of the controversy in Our Lady of Lourdes Hospital, Drogheda, on numerous occasions, I have nothing but admiration for the courage it took for those people to raise these incidents. However, one must be concerned about a system that allowed such practices to continue for so long as a result of which many people suffered.

I want to refer to a number of remarks made by the Tánaiste on the Bill in the Seanad — I do not believe she spoke on it in the Dáil. She said this is the first of three Bills to reform the regulatory environment for health professionals, with legislation for medical practitioners and nurses to follow. It was pointed out that we have been waiting for this legislation for almost 20 years. It is important that these are not only fine words but that there is a follow-through on this commitment and that the other Bills will be enacted. The Tánaiste said that the vision adopted in the strategy for our future health system set great store on treatment, treating people with dignity and respect. She said that the health strategy envisaged that action would be taken to strengthen the customer focus of service providers. Those are fine words and if one were not dealing with some of the cases with which I and my constituency colleagues are dealing in Cavan-Monaghan, where there is a shortage of professionals and a lack of services, one would not be so concerned. When dealing with a case such as one I dealt with the other day where a person could not be treated in Cavan hospital due to the shortage of personnel because of an internal problem rather than a shortage of professionals,
one realises the serious nature of the problem. The Tánaiste said that there must be a patient-centred approach to the delivery of services, with which I am sure we all agree. This Bill is important to ensure that good quality professionals are in place, but there must also be good management.

I welcome the objectives of the new council which are to protect the public by promoting high standard professional conduct and professional education, training and competence among registrants of the designated professions. There is a problem concerning the shortage of such professionsto which Deputy Coveney referred. I can think of several professions where there is a shortage of personnel to deal with the people’s needs. For example, there is a shortage of psychiatrists to evaluate children who require an assessment and even when such children are evaluated there is a difficulty in securing necessary resources in terms of finance and personnel.

I sought in recent days to raise a matter on the Adjournment concerning Rockcorry national school. As that school approaches the next academic year, some of its personnel were evaluated, which it understood had been approved by the Department of Education and Science, but suddenly these personnel did not meet the criteria laid down although they are on the relevant education list. Now the school does not know whether it will have special needs teachers, the services of whom some children attending that school badly need next September. Regulations are all very well, but there must be a follow through on the part of management.

I welcome the fact that each of the designated professions will be represented on the council and that there will be a representative of the public, the voluntary sector and the third level sector. The fact that the council will comprise 12 members from the professions and 12 members from other sectors will create a healthy balance among its membership, but will this balance be affected when additional professions come into the registration system? This Bill provides for the registration of 12 professions — there cannot be many more that may come into the registration system. How long will members of the council hold office? Can members be reappointed to office or will there be a fixed term of office?

Section 28 deals with membership of the registration boards. IMPACT did not agree with the composition of those boards. It was concerned that the professions are outnumbered on the boards and that their representatives should be in the majority in terms of education and training issues. However, there would be a concern about the representatives of the professions constituting a majority in regard to complaints, inquiries and discipline issues.

In regard to section 32, following concerns raised by my colleagues in the Seanad, we welcome the amendment to the Bill in the Seanad which requires the registration boards to submit to the Competition Authority draft by-laws that relate to the adoption and revision of a code on professional conduct and ethics. Although the council does not have to accept the options put forward by the Competition Authority, the authority is happy that its opinion must be taken into account by the council, which is made up of numerous professions when deciding on such by-laws.

I also welcome section 38 which provides that each registration board must register each person who holds an approved qualification and satisfies the board that he or she is fit and proper to engage in practice of the designated profession. Are proper regulations in place to provide for those professionals who come here to work from other countries given that we depend greatly on such personnel? While such personnel do their very best and are essential to our health service, families encounter great problems communicating with them, which leads to difficulties. Can more be done in this area in terms of the provision of education or interpretation services?

The Bill will play a major role in regulating health professionals. I wish to refer to the running of the health service generally. I cannot but refer to one element of it of which I am extremely conscious because of the area I represent, especially my immediate parish. I refer to psychiatric treatment and the direction we are going in that area. I am concerned because of the number of suicides that have taken place. I mentioned one case in the Dáil a few weeks ago, that of a close friend of mine, Fred Williamson, who sought professional help but failed to get it and in desperation took his life. We need to look at how this whole issue is monitored and dealt with. We all agree people, whether aged, psychiatric or whatever, should be dealt with as far as possible in their own homes or as close to home as possible. Each individual case has to be taken into account. We must have some professional responsibility.

As we consider the Bill before us we must examine that whole aspect as well. There are buildings and beds as well as staff — whom I have talked to — who are prepared to look after some of these people in care, whether for a short or long term. We must respect the right to life and realise there are individual situations which are different from others. There are individual family situations that are different to others. Some families have great back-up services and availability of help. Others do not. A patient just cannot be looked at in isolation. He or she must be looked at in the context of the entire situation as it stands.

It is only when one is faced with issues such as this involving very close friends directly that one realises the problems that exist within the health service. Problems arise when basic rules are set down as regards doing something this way or that. I would like the professional groups to really examine this situation. I am a lay person. I am a farmer by background and a politician by profession. However, I have some understanding of human relations. I have seen marvellous work
Mr. Crawford:

done by the psychiatric services, both in-house and in home service. However, we are in a serious situation when senior people set down rules and laws that cannot be broken. While it is not totally relevant to the Bill before the House, I cannot help on this my last opportunity to speak in Dáil Éireann, possibly, before the summer recess, to bring this issue forward and put it on the record of the House. It is one I feel very strongly about, as I do about alcoholism and the lack of services in that area as well. When one sees young people being buried because they cannot get help for alcoholism, and the buildings and the opportunities to help exist, one has to worry.

I welcome the fact this Bill is before the House. I welcome the fact the 12 groups which have been looking to have their positions regulated for so long are seeing this achieved, finally. Psychologists are included in the legislation, but some people call themselves both psychologists and counsellors. My colleague, Deputy Twomey, mentioned this in addressing the Bill earlier. I agree with him that we must make the qualifications crystal clear. There are big differences and a proper structure needs to be put in place.

Whenever psychologists decide that young people need a service, as with Rockcorry school, it should be ensured that staff are provided for this purpose. There are only 31 pupils in Rockcorry school, and six children there need a proper service. There is no point in an evaluation being done if the service is not available.

Mr. F. McGrath: I thank the Ceann Comhairle for the opportunity to speak on this very important legislation. The debate on the Health and Social Care Professionals Bill is both relevant and important because it is about change and improving quality, professionalism and accountability. It must be broader than that, however. This debate has to be about the creation of provision for people who work in the services in a caring and considered manner. It is interesting that we have different views on this legislation, but in view of its importance all views should be carefully listened to so we can make a final decision on it.

The debate is about professionalism, caring and accountability. These are three key words in the Bill because health is a major political issue, particularly as regards assisting those who are ill, people with disabilities and supporting those who need major back-up services. Before I was elected in 2002 I was a member of the Independent Health Alliance. A group of us got together and campaigned on the health and disability issue, to bring it into the political arena and into the Dáil. I had the great honour and privilege to be elected by the people of Dublin North Central, on a strong health and disability platform in particular. We have arrived today and this is part of the discussion as well, because it is very important.

The Bill is also very relevant for people with disabilities. We have seen over the past 24 hours the passing of the Disability Bill in Dáil Éireann, which for many people was flawed legislation. It is very important that in this debate we get the opportunity to highlight the weakness in the legislation and also to talk about its positive aspects. On the issue of health care and professionalism, even in the last few days a young child with Down’s syndrome in the west was denied resource teaching hours because of a decision made by a number of professionals working in the field. This is totally unacceptable and disgraceful. The Disability Bill has not been passed 24 hours as yet.

As regards the details of the legislation, the Bill is entitled:

An Act to provide for the establishment and functions of the Health and Social Care Professionals Council and of registration boards for certain designated health and social care professions; to provide for the registration of persons qualifying to use the title of a designated profession and for the determination of complaints relating to their fitness to practise; and to provide for related matters.

That, basically, is what the Bill and the debate is about. In Part 1 of the Bill, dealing with preliminary matters, one sees “council” means the Health and Social Care Professional Council, established under section 6. The word “court” in this section means the High Court, while “designated profession” means a health and social care profession, as designated in the Bill. These are important terms to grapple with before we get into the details of the legislation.

Section 4(1) says: “For the purposes of the legislation the following health and social care professions are designated.” I will concentrate on the psychologist, the social care worker, the social worker and the speech and language therapist. Nowadays, it is accepted by the mainstream political establishment in Dáil Éireann and broader society that there must be quality professionals, working in the services, and some of these people are the psychologists. They will play a major role over the next three to five years in dealing with services for people in the broader sector, but also children and people with disabilities, especially children.

As Members talk about the designated professions in this section, I remind the House of the words “care” and “professions”. I would like to see quality people working in the field of psychological services. Many such people have gone into this area in the last 12 months as regards the provision of services for children with disabilities. However, I would like to see them more involved directly in ensuring a child with disability is treated in a caring and professional manner. As regards radiographers, these people, as well, have a major role to play. They are already saving lives in the mainstream health service. I commend the people directly involved in the radiography services in this State. However, we need more professions to be more involved directly in the
services. This is a political issue. Why are there too few radiographers? Given the hundreds of millions of euro we spend each year on the health service, why is there no proper radiography service?

Section 4 covers the designation of health and social care professions. It is vital to have the right people making the right judgments. While I accept the necessity to require certain baseline academic qualifications, I am also concerned that many professions have developed in a flawed manner over the past five or six years. We are obsessed with points and the race to achieve professional status and qualifications. Why are many boys and girls in second level education who would love to become social workers, health care workers or psychologists prevented from entering these professions because they cannot achieve the high points required to enter the third level system? We are losing many quality people as a result. The other side of the current system is that some trained college graduates discover after two years in the job that they do not like working with children or people with disabilities and then decide to jump ship. This matter needs to be examined.

During my regular discussions with transition year and fifth year students in schools in my constituency I meet wonderful young boys and girls who would make fantastic physiotherapists or speech and language therapists. However, they are precluded from entering these professions when they do not obtain a set number of points in the leaving certificate examination.

To be called to begin teacher training in the primary sector 25 years ago, a student first had to get a certain number of honours in what was the equivalent of today’s points system. A second important step involved attending St. Patrick’s College in Drumcondra for a tough interview. Sitting around the table was a group of psychologists and child experts who decided, following the interview, whether candidates were suitable to work with children. Interviewees had to perform simple, basic tasks such as singing a song. The selection process, therefore, combined a requirement to achieve good baseline academic results and undergo a tough interview in which candidates were examined and cross-examined to determine whether they could be trusted and were suitable to work with young children. This approach is relevant today, notably in the context of training health care workers.

The role of social workers arises in the context of section 4. Deputies will all have had good and bad experiences of social workers. On the one hand, it is vital to defend the professionalism and integrity of social workers while, on the other, social workers have a duty and responsibility to ensure that children who find themselves in crisis or are sexually abused in dysfunctional families are rescued. They must be prepared to use the law to take tough decisions. Disgraceful incidents of sexual abuse have been perpetrated against children. In recent days, for example, we have heard of the horrendous experiences of a girl at the age of 11 in the Dalkey case. Social workers must be focused and professional. The House will, through legislation, address the issue from a legal and constitutional perspective. We must ensure the right people are doing the job of social worker, whether they are providing services from 9 a.m. to 5 p.m. or late at night.

Section 4(3) defines a health or social care profession as:

. . . . any profession in which a person exercises skill or judgment relating to any of the following health or social care activities:

(a) the preservation or improvement of the health or well-being of others;

(b) the diagnosis, treatment or care of those who are injured, sick, disabled or infirm;

(c) the resolution, through guidance, counselling or otherwise, of personal, social or psychological problems;

(d) the care of those in need of protection, guidance or support.

Paragraphs (a), (b) and (c) highlight the overall theme of the Bill and emphasise the importance of ensuring that people with disabilities and the elderly are part of a broader debate. Sadly, we do not do enough for elderly people. It is unacceptable, for example, that some of them do not have access to top quality health care. I remind Deputies that the elderly helped build the economy that has delivered the sustainable growth we enjoy today. It is payback time.

The broader issue is that rather than placing elderly people in institutions or care settings without their consent, they should, where possible, be treated in their own communities with the assistance of support services. The Government has failed to provide sufficient community supports for the elderly, an issue on which I have tackled previous Ministers.

Paragraph (c) refers to “the resolution, through guidance, counselling or otherwise, of personal, social or psychological problems”. Let us ensure that counsellors who try to advise and assist people in difficult circumstances are given maximum financial support. Resources allocated for this purpose should never be clawed back. The beneficiaries of the services provided by health and social care professionals are human beings and must be shown respect and treated with dignity.

Modern society is turning its back on the importance of providing care for people with social or psychological problems. The downside of economic success is that people are too busy to spend time listening to others or caring for them. Many elderly people live alone on estates in Dublin, Kerry, Galway or Cork and do not know the people who live two doors away. This was not the case 20 or 30 years ago when we had few resources. We need to implant in the minds of
our children, at a young age, that there is nothing old-fashioned about caring for one's neighbour. Human and community services also include a responsibility on every one of us.

Section 7 defines the object of the Health and Social Care Professionals Council as: “to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated professions.” Section 8 defines the council’s functions, which include to:

(a) oversee and co-ordinate the activities of registration boards,

(b) provide administrative support and secretarial assistance to registration boards and their committees,

(c) receive applications and make decisions under Part 4 concerning the refusal of registration boards to grant or restore registration,

(d) enforce standards of practice for registrants of the designated professions, including the codes of professional conduct and ethics adopted by their registration boards,

(e) establish committees of inquiry into complaints under Part 6 against registrants of the designated professions,

(f) make decisions and give directions under Part 6 relating to the imposition of disciplinary sanctions on registrants of the designated professions,

(g) advise the Minister, either on its own initiative or at the Minister’s request, on all matters relating to the Council’s functions under this Act.

While I strongly support sections 7 and 8, I share the concerns expressed by the Irish Society of Chartered Physiotherapists, ICSP, that the protection of patients is not given paramount importance in the Bill, which it deserves.

Debate adjourned.

Ceisteanna — Questions.

Priority Questions.

Poverty Levels.

1. Mr. Stanton asked the Minister for Social and Family Affairs his views on relative income and consistent poverty as measures of poverty here; and if he will make a statement on the matter. [23746/05]

Minister for Social and Family Affairs (Mr. Brennan): The most recent statistics on poverty levels in Ireland are derived from the new 2003 EU Survey on Income and Living Conditions, EU-SILC, and were released earlier this year by the Central Statistics Office. This survey replaces the Living in Ireland Survey, which was conducted by the Economic and Social Research Institute until 2001 and which provided data on consistent and relative poverty up to that year.

The nature of poverty and its effects are multi-dimensional and no one measure can give a complete picture regarding deprivation, poverty and social inclusion.

The relative “at risk of poverty” indicator measures income alone. The EU-SILC results reported that 22.7% of persons were at risk of poverty in 2003 based on the proportion of the population below an income threshold of 60% of median income. The 2003 figures represent a slight increase on the 2001 figure of 21.9%.

When countries experience rapid economic growth, however, as in Ireland in the 1990s, relative poverty measures on their own may not provide a clear measure of actual poverty. For example, using the “at risk of poverty” measure, relative income poverty in Ireland rose from 15.6% to 20.9% between 1994 and 2000. If we use the same measure and timeframe and increase the poverty line only by consumer prices, the “anchored poverty line approach”, the level of poverty falls by 55.9%.

The main reason, therefore, for the increase in the “at risk of poverty” rate is the increase in incomes generally on which this rate is in part measured. For example, a recent EUROSTAT study calculated the monetary value of the 60% threshold in terms of purchasing power standards terms in 2003 for a household of two adults and two children. The value of the threshold for Ireland is above the EU average and is ranked eighth highest overall in the EU 25. Many households in Ireland with incomes below the 60% threshold may have a better standard of living than similar households classified as not at risk of poverty in other member states.

Additional information not given on the floor of the House.

Furthermore, not all those below the 60% of median income threshold are regarded as being in poverty, even in an Irish context, as that also depends on other factors such as the extent to which their income is below the threshold, the length of time they have been living on a low income, the degree to which their assets will have run down while on a low income and the other resources they have at their disposal. This indicator measures income alone and does not take account, for example, of the high level of home ownership and entitlement to household allowances such as electricity, fuel, television licence and telephone rental, which are particularly important in Ireland in the case of the elderly.

The “consistent poverty” measure is used in this country to identify those experiencing basic deprivation. This is calculated by identifying from among those at risk of poverty with incomes below the 60% threshold those who are also deprived of basic goods and services regarded as essential for living in Ireland today. The EU-
SILC survey reported that 10.2% of households experienced consistent poverty in 2003, up from 5.2% in 2001 under the earlier LIIS survey. However, both the CSO and the ESRI have made it clear that methodological differences between the two surveys mean the figures for 2001 and 2003 are not comparable and that it is therefore not possible to conclude from them whether the level of consistent poverty changed.

There is certainly no reason to believe there has been a worsening in poverty levels in recent years. Between 2001 and 2005 spending on social welfare payments has increased by €7.8 billion to €12.2 billion. During the same period the lowest social welfare rates have increased by 40% while the consumer price index has increased by just over 13%. As a result of budget 2005, welfare payments have increased by three times the expected rate of inflation.

Nevertheless, what is not in question from the survey results are the groups identified as being most at risk. These include families with children, mainly lone parents, or larger families, those who are unemployed or with disabilities, and older people, especially those living alone. EU-SILC confirms the findings of earlier analyses in this regard and provides information on the most vulnerable groups in society towards whom policy should be focussed.

While the EU-SILC results highlighted the difficulties in measuring poverty, the Cabinet Committee on Social Inclusion, prior to the release of these results, had approved a review of the method of poverty measurement in Ireland. This work is now being progressed as part of the NAPS data strategy, co-ordinated by the office for social inclusion based in my Department.

**Mr. Stanton:** Does the Minister agree he is massaging the figures and that he has ignored the number of children in relative income poverty who live in households where the income is less than 60% of median disposable income? Does he agree the number of these children is estimated to be an additional 240,000 on top of the between 60,000 and 120,000 children whom the Minister says are affected in some way by consistent poverty? Does he agree it is a disgrace in this day and age? What has he done and what does he intend to do about it in the short term to ensure these children are removed from the risk of poverty?

Does the Minister agree that lone-parent households are exposed to a greater incidence of child poverty than dual or single income two parent households? Will the Minister tell the House why this figure of relative income poverty represents the highest rate of child poverty to be found in the European Union? This is an indictment of the policies of the Minister’s Department and the Government, they have failed the children of Ireland by ignoring relative income poverty statistics put forward by the Combat Poverty Agency, an independent agency that castigated the Government for not taking relative income poverty into account and ignoring its impact on children.

**Mr. Brennan:** The relative income poverty measure here is 22.7%. At the risk attracting unwanted headlines, I do not believe 22.7% of the people of Ireland live in poverty. That is the relative income measure and the word “relative” is important. We are all poor relative to someone else. I have been critical of the measurements before. I rely on the figures from the ESRI, NESC, CSO and EU but I also point out to those bodies that the Department is working through the NAP strategy to make progress in this area.

We must get our act together on how we measure poverty. We cannot use the figure of 22.7% because it is not real. The Deputy made the point about children living in relative poverty. There is another, more realistic measure — consistent poverty — and I am targeting resources at it. Welfare spending in 2001 was €8 billion and this year was €12 billion, with a huge proportion of that going into child benefit and much of it being targeted at families.

Whatever differences there are about percentages, there is no difference about where poverty exists. All studies point out that those most at risk are families with children, mainly lone parents, larger families, those who are unemployed or disabled and older people living alone. I am targeting those areas with the carer’s allowance, increased lone parent’s allowance, child benefit and a range of supports and I am making it easier for people to get back to work, the best way to tackle poverty for those able to do it.

I caution against operating from the totally unrealistic figure of 22.7% because relative poverty is an interesting academic measurement but, paradoxically, as the country gets richer, the relative poverty figure increases. If the country continues to grow at this rate, will be talking about 60% of the people being poor in ten years? The figure must be looked at in that context. It is useful but in terms of focusing on the vulnerable groups, it is not helpful.

**Mr. Stanton:** The Minister says he will ignore relative income poverty and he will not answer the question about what he will do to address poverty. Does he agree that 148,000 children are in consistently poor homes — 14.6% of all children — according to the latest CSO data from 2003, as reported in the most recently published ending child poverty policy document produced by the Combat Poverty Agency?

Will the Minister tell us what “consistently poor” means and what he intends to do about this? I do not want to know what he has done, I want to know what he will do about it. These are up to date figures from the Combat Poverty Agency. Will he continue to ignore relative income poverty? Is it Government policy to ignore statistics from the Combat Poverty Agency on children in relative income poverty?
Mr. Brennan: I will keep it in perspective. The 22.7% figure is interesting but the figure for consistent poverty is 5.2%.

Mr. Stanton: It is 14.6% according to the CSO.

Mr. Brennan: The EU-SILC survey for 2003 reported that 10.2% of households — an increase from 5.2%. I apologise — are in consistent poverty.

Mr. Stanton: So is the CSO wrong?

Mr. Brennan: Consistent poverty is regarded as those deprived of basic goods and services with incomes below the 60% threshold. I will focus on consistent poverty and child poverty. The figures I have for child poverty range from 66,000 to 120,000.

Mr. Stanton: The Minister is doing nothing about it.

Mr. Brennan: I am continuing to increase child benefit and welfare payments, which have already increased dramatically. I am finalising work on the possibility of a second tier of child benefit which would be focussed exclusively on children in low income households. We have had a number of meetings about that and we are making progress. It will be a major instrument in tackling child poverty.

Social Welfare Benefits.

2. Mr. Penrose asked the Minister for Social and Family Affairs if he will take steps to increase the income limit his Department has put in place for the receipt of various benefits from €317.43 to €420 in view of the fact this limit has not been adjusted for several years; if his attention has been drawn to the impact this limit has on lone parents and others in availing of secondary benefits; and if he make a statement on the matter. [23516/05]

Mr. Brennan: I am conscious of the need to facilitate persons in receipt of social welfare payments to take up employment opportunities and to ensure the social welfare supports are structured to support this objective. I am aware of the specific issue raised by the Deputy, which was also raised in the recent discussions at the committee on social affairs that he chairs.

Several measures have been introduced in recent years to remove disincentives to taking up employment and to assist in the transition from welfare to work. These measures include easing of means tests through income disregards, tapered withdrawal of benefits as earnings increase and employment support schemes such as the back to work programme.

The income limit referred to applies to people who take up employment under approved employment schemes, and who, because of their employment, do not qualify for rent supplement under the standard rules of the supplementary welfare allowance scheme or for other secondary benefits. People in those circumstances may be entitled to retain these secondary benefits, in total or in part, for the duration of the scheme, subject to certain conditions.

For most people the most significant secondary benefit is rent or mortgage interest supplement, which is paid under the supplementary welfare allowance scheme. While the income limit of €317.43 per week has not changed for several years, other significant improvements have been made to the means test since then. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are now disregarded in the assessment of the €317.43 limit. PRSI and reasonable travelling expenses are also disregarded.

People who had been unemployed and who commence employment through the back to work scheme can have a weekly household income significantly in excess of the €317.43 weekly limit in question and still qualify to retain 75% of their rent or mortgage interest supplement. For example, in the first year of their participation in the back to work scheme, a single person can have combined income from the back to work allowance and earnings of €429 per week while a couple with two children can have a weekly income of €528.25.

Other improvements have also been made to the retention arrangements. The period for which rent or mortgage interest supplement may be retained has been extended to four years on a tapered basis; 75% in year one, 50% in year two and 25% in years three and four. As a consequence of these improvements many families retain more of their rent or mortgage interest supplement than had been the case.

Additional information not given on the floor of the House.

Participants in the back to work and community employment schemes are assessed under either standard rules or under retention rules and will be entitled to receive payment under the more favourable option. Alternatively, people who do not qualify under these retention arrangements can apply for rent supplement under the standard rules of that scheme. Under these rules, rent or mortgage interest supplements are calculated to ensure that an eligible person, after the payment of rent or mortgage interest, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution of €13 which each recipient is required to pay from his or her own resources.

Family income supplement is now also disregarded in the standard means test. In addition where the employment is part-time, i.e. less than 30 hours per week, up to €60 is disregarded in the means test thus ensuring that a person is better off as a result of taking up such an opportunity.

I am aware that the income level of single parents who take up community employment places exceeds the €317.43 weekly income limit.
However, this does not exclude them from receipt of rent or mortgage interest supplement as they have the option of being assessed under standard supplementary welfare rules. One impact of the changes means that more people qualify for support under the standard rules of the schemes in question and are not subject to the thresholds that apply to the special rules governing retention of secondary benefits. They are also financially better off than they were before taking up the community employment or other opportunity. The arrangements I have outlined are designed to encourage and assist people in the transition from reliance on welfare payments to full-time employment. I will continue to keep all of the employment incentives under review.

Mr. Penrose: We must stop talking illusory economics where the psychology is that if one keeps repeating that it will be alright on the night, it will be. Is it not the position that the community employment scheme participants are disqualified from receiving rent allowance once their income exceeds €317.43? Is it not the position that this rule acts as a complete disincentive to lone parents to seek employment or training?

The best way out of poverty is through employment. Schemes, such as the community employment scheme, have provided a marginalised section of the community with the chance for further education, training and the opportunity to enter the workplace. If we are serious about bridging the gap between rich and poor, we need an imaginative approach to education, training and employment opportunities. This means the income eligibility threshold must be increased to €420 as it has not been raised for several years.

Community employment scheme participants have written to me, claiming they are the victims of the latest Government scam to reduce rent allowance greater than 50% and yet receive an increase in the scheme’s benefits of €14 per week. How can anyone be satisfied with this? How could anyone have the gall to claim the peoples lot is improving? This is arising as a direct result of the failure of the Department of Social and Family Affairs to raise the income limit for tapered rent allowance.

A lone parent on a community employment scheme receives €350 and is automatically over the limit. Conditions attached to participating in the community employment schemes are strict. A participant has to be in receipt of low income to be eligible for the scheme. People in need of help are being forced to drop out of the scheme to qualify for rent allowance. Is this right? Is it right that we have not ensured those disregards have been adjusted in line with inflation to facilitate people’s transition into the workplace, particularly when in the past seven years, the Department of Social and Family Affairs has returned €850 million to the Department of Finance. Some of these moneys could have been used productively for the back to education allowance and the community employment scheme.

Will the Minister undertake a review of all disregards that have been static for several years? They have only served to exclude people because of the failure to index link the bands and limits, leading to automatic deprivation of eligibility for those schemes. It is no use giving a person a coat if one proceeds to cut the buttons off it; it will not keep him warm. Let us stop the codology and raise the limits to ensure participants in these schemes get an opportunity to participate productively in the economy. We will see the fruits of it in the future.

Mr. Brennan: Limits are adjusted from time to time, often in the budget. I will keep these income limits under review. However, it is a battle of choices where sometimes we need to increase rates rather than move limits. It is often a trade-off. I have given the Deputy the overall increase in welfare expenditure. This year we have tried to target it at increasing the rates rather than moving the limit. I take the Deputy’s argument that one has to continue working on both issues.

I am aware the income level of single parents who take up community employment places exceeds the €317.43 weekly income limit. However, this does not exclude them from receipt of rent or mortgage interest supplement as they have the option of being assessed under standard supplementary welfare rules.

A lone parent can retain the one parent family payment in addition to receiving the community employment payment. That puts him or her in a more favourable position than an unemployed person whose community employment wage replaces his or her social welfare payment. I am conscious of the effect of these thresholds in getting people back into employment.

I saw the figure of €850 million in a recent newspaper article. The Department is not sending back money as such. The reason it did not spend what it was budgeted for is that unemployment was not as high as estimated. In that sense, it is good news rather than bad news.

Mr. Penrose: I want to redistribute the fruits of that good news to those most in need.

3. Ms C. Murphy asked the Minister for Social and Family Affairs the way in which the poverty trap inherent in the payment of rent assistance will be addressed when the rental accommodation scheme is fully rolled out later in 2005; if it was considered in the context of the national anti-poverty strategy; if so, the conclusions which were drawn; and if he will make a statement on the matter. [22707/05]

Mr. Brennan: The purpose of the supplementary welfare allowance rent supplement scheme, administered on my behalf by the community welfare division of the Health Service Executive, is to ensure that private sector tenants who are not in full-time employment or full-time education have a guaranteed minimum amount of
income with which to meet their basic day to day needs after paying rent. It is a short-term income support measure, rather than a long-term housing measure.

The scheme includes a variety of income disregards in determining the amount of assistance to be provided in individual cases. It is flexible, particularly for unemployed people who seek to get back to work or into community employment or training under the various relevant State schemes. That will remain the position after the new rental accommodation scheme arrangements commence for longer-term recipients.

While the objective of rent supplement is to provide short-term income support as opposed to addressing long-term accommodation needs, a significant number of people had come to rely on rent supplements on a long-term basis over recent years. The Government announced an initiative in July 2004 aimed at meeting these long-term housing needs. The new system gives local authorities responsibility for meeting long-term housing assistance needs, including the needs of those people on rent supplements for 18 months or longer. These needs will be met through a range of approaches including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public private partnership type rental accommodation scheme.

The aim of the new system is to minimise ongoing dependence on rent supplement by progressing to a situation where suitable long-term accommodation is available for all who need it. The rent supplement scheme will continue to meet the short-term needs of people for accommodation. This will be achieved within three years from commencement of the new arrangements in each local authority and in any event no later than September 2008.

The level of rent charged by local authorities under the new scheme is a matter for each local authority. Arrangements in that regard have not been finalised but are well advanced. Rent levels will be set in a manner broadly consistent with the current local authority differential rents system. This system does not distinguish between sources of income in determining the appropriate rent payable in each case.

Additional information not given on the floor of the House.

Accordingly, while the overall income level of the household will determine the rent payable under the rental accommodation scheme, there will be no specific restrictions on employment. Participants on rental accommodation schemes will be free to take up work or extend their employment hours as they wish, with some appropriate adjustment made by the local authority to their rent levels to reflect their increased income.

The new arrangements for people with longer-term accommodation needs will be fully in accord with the thrust of the national anti-poverty strategy. Similarly, I consider that the rent supplement scheme remaining in place for people with shorter-term needs is an assistance towards poverty alleviation for low-income households.

Ms. C. Murphy: My experience of rent supplement is that it deters people from going to work. I do not have a problem with the concept of local authorities taking significant responsibility for what is a housing issue. However, I want to ask some questions regarding problems with the scheme or perhaps to elicit more information about it.

The public service embargo will have a bearing on the ability of local authority staff to turn the voids, or housing stock that has remained vacant for longer than six months, around quickly and to find accommodation. People may be caught between both systems. People may be obliged to travel distances or to spend long periods waiting for officials on the telephone, which will add to their costs. In cases where people currently visit health board offices, will the Minister consider using those offices to cut down on that cost or will he ask local authorities to do so?

Many aspects of this scheme could be problematic for particular individuals. For example, if a family goes over the income threshold which entitles it to be on the housing waiting list, presumably it will be automatically cut off. However, the situation may arise whereby elderly parents or parents on low income have children living with them who could push them over the threshold, so that they suddenly disappear off the Richter scale. Will the scheme also be a way of stating that a person is accommodated, so that he or she disappears from the housing waiting lists without the State ever providing a permanent home for that individual?

There are also difficulties about the voids being turned around quickly and local authorities could end up with a sizeable bill. It is difficult to figure out what will happen. Will the Minister respond to this point? After three years, when the scheme is rolled out, will local authorities be provided with the resources to continue this scheme? There appears to have been silence on that point and there are all sorts of legal difficulties. Basically, the Minister has told the House that people who currently cannot get rent assistance if they are in employment will be able to go to work if they are on the list for 18 months and join this scheme. They will pay a differential rent, a portion of the rent that would normally apply. Is this the change in how housing applicants will be considered? If so, it will result in the possibility of some applicants going to work, which is something from which they have been excluded. Is my understanding of the new scheme correct in this regard?

Mr. Brennan: I thank the Deputy for the question and her helpful suggestions, which I will consider. I would be happy to arrange for senior officials to meet the Deputy to take her through
the details of the scheme if she wishes. As to her question, this is a new scheme. I expect 4,000 households will be facilitated under the rental accommodation scheme by the end of 2005. This year, I have transferred €19 million from my Department to the Department of the Environment, Heritage and Local Government to enable the process to get under way. I am disappointed that no one has yet been housed under this scheme. However, I am assured that this will begin in the coming weeks and I urge all concerned to make better progress than is currently being made.

The evidence I have on file demonstrates that there is an increased reliance on rent supplements. In a sense, the numbers are frightening in that the number of people who are in receipt of rent supplement has increased by 35% in four years, from 42,000 to almost 60,000. The taxpayer is now paying €370 million into that scheme, compared to €150 million in 2000. The evidence behind those figures shows that people are beginning to rely on rent supplement as a permanent means of housing.

Therefore, it was decided that once a person spent 18 months in receipt of rent supplement, the Department would transfer him or her to the Department of the Environment, Heritage and Local Government who would have responsibility for finding permanent accommodation by whatever means possible, principally through a more permanent type of rental scheme.

Some 30,000 people, which is a large number, have been in receipt of rent supplement for more than 18 months. Therefore, through the funding I provided, I expect the Department of the Environment, Heritage and Local Government as well as local authorities to move on and start to facilitate those people. The number of 4,000 is the target for the end of this year, but we have some distance to go.

Ms C. Murphy: Local authorities already have problems delivering the housing programme. In the absence of extra staff, I believe this simply will not happen. No additional resources were provided in the budget and the embargo has not been lifted so I am seriously concerned that these funds will be returned without anyone being housed by this scheme.

Mr. Brennan: I will consider the Deputy’s point.


4. Mr. Stanton asked the Minister for Social and Family Affairs his views on whether the social welfare system here gives adequate recognition and support to women and to the role of women in society; and if he will make a statement on the matter. [23747/05]

Mr. Brennan: A key objective of my Department is to ensure that the range and level of social security coverage is appropriate to the social and economic circumstances of different groups, including women, and that the services for which people are eligible are readily accessible and delivered in an efficient, effective and integrated way.

There has been a significant increase in the level of social protection available to and being accessed by the female population over the past 20 years. Improvements in the comprehensiveness of social welfare schemes, including an increased recognition of the importance of caring through the homemakers schemes and carers payments points to an ongoing commitment to women in recognising the value of their work outside the formal labour force.

The Government is committed to supporting carers and this is demonstrated by the significant budget package of over €34 million provided to improve the payment rates and respite supports for family carers. The Government has also concentrated resources for child income support on the child benefit scheme, which is normally paid directly to the mother. Child benefit is neutral vis-à-vis employment status and income levels of parents and therefore does not distort parental choice in respect of labour force participation.

Over the period since 1997, the value of all social welfare payments has increased in real terms. In particular, the monthly rates of child benefit have increased by 271% at the lower rate and 258% at the higher rate, compared with inflation of 30.6%. This level of increase is unprecedented and delivers on the Government’s objective of providing support for children generally while offering real choice to parents.

Increased participation by women in the formal economy has also led to higher levels of social protection afforded to women. The number of women at work rose by 420,000 in the period 1991-2003. In the past, the lower rates of participation in the paid labour market by women led to far lower levels of social insurance coverage for women, especially married women, than for men. By 2003, the number of single and married women in employment had more than doubled compared with 12 years earlier.

The numbers of insured persons grew from almost 1.44 million in 1990-91 to nearly 2.53 million in 2002. The general increase in coverage of the social insurance system has been accompanied by a rise in female coverage and access to benefits so that of the 1.9 million workers insured for all benefits, that is, PRSI class A contribution, almost 48% are women and more than 293,000 contributors paid PRSI as self-employed contributors in 2002, of whom almost 23% were women. The rise in coverage is also reflected in the data on benefit take-up. Of all weekly social insurance based payments, 53.9% were made to women.

A number of measures have been introduced in recent years which make it easier for people to qualify for pensions. These include extended social insurance coverage and an easing of the
[Mr. Brennan.]

qualifying conditions for old age contributory and retirement pensions.

Additional information not given on the floor of the House.

These measures are of particular benefit to women who may have less than complete social insurance records due to working in the home.

The Government is also committed to increasing the payment for qualified adults, age 66 or over, to the same level as the personal rate of the non-contributory old age pension and a number of special increases have been given over several budgets in pursuit of this target. In addition, since October 2002, new pension claimants can opt to have the part of the payment in respect of their spouse or partner paid direct to that person.

The homemaker’s scheme was introduced in 1994 to protect the pension entitlements of those who take time out of the paid workforce for caring duties. The scheme is being reviewed as part of the second phase review of the qualifying conditions for the old age contributory and retirement pensions. The review is due for completion in the next few months and developments regarding the homemaker’s scheme will be considered in light of the review’s conclusions.

The one-parent family payment is designed to provide income support to parents, generally women, with insufficient means who have to parent alone. One of the objectives of the one-parent family payment is to encourage and facilitate lone parents to consider employment as an alternative to welfare dependency while at the same time supporting them to remain in the home if they so wish.

Income support payments for lone parents are being reviewed in this context, particularly examining obstacles to employment for lone parents. The outcome will contribute to concrete proposals designed to better support and encourage lone parents in achieving a better standard of living, employment and education opportunities and a better future for themselves and their children.

I am also giving serious consideration to the introduction of a second tier of child income supports, aimed specifically at families in greatest need. The current national action plan against poverty and social exclusion specifically targets women as one of a number of groups who are particularly vulnerable to poverty and social exclusion, with a view to reducing or eliminating their level of risk and incidence of poverty and improving their access to services such as health care, education and employment. The Government is committed to continuing efforts to assist and support women and ensure that they have a fair share of improvements in quality of life.

Mr. Stanton: Perhaps the Minister did not read the question, but I asked whether the social welfare system gives adequate support and recognition to women. I take it the answer is “Yes”. What percentage of women over 65 get a State pension based on their own PRSI contributions? What percentage of women in employment are covered by an occupational personal pension and is the Minister happy with this number? What percentage of women involved in farming have a personal pension? Is it true that 90% of them have no such pension and is he happy with that? Is it true that 95% of all qualified adults are women and does he agree that the social welfare system reinforces women’s dependence on men for income? What, if any, are his plans to make changes in this regard?

An Leas-Cheann Comhairle: The Deputy is seeking information that was not sought in the original question.

Mr. Stanton: I am referring to the role of women in society and asking whether the social welfare system gives adequate recognition and support to them. These questions are based on an article by the National Women’s Council. I am told that 95% of all qualified adults are women. Does the Minister agree that the social welfare system reinforces women’s dependence on men? In its programme for Government, did this Administration not promise to raise the qualified adult allowance to the same level as a non-contributory pension? As it is now three years on, will this happen and if so, when? What plans, if any, does the Minister have to make changes to allow relatives, mainly women, assisting in family businesses to get insurance under the PRSI system?

Mr. Brennan: In effect the Deputy has raised with me the agenda of the National Women’s Council. Obviously he met its representatives, as I also did. If I were in Opposition I would also go through their shopping list. When I met them I gave them some answers. While I do not have at my fingertips the detailed data the Deputy seeks, I will get them for him.

Deputy Stanton asked me how many women over 65 receive social welfare payments. It is estimated that approximately 83% of women over 65 years of age——

Mr. Stanton: I asked how many of them receive payments based on their own PRSI contributions.

Mr. Brennan: Some 83% of women receive social welfare support in some form. Some 19,000 are supported as qualified adults on the pension of their spouses or partners. Approximately 90% of those receiving support have a payment in their own right. Many of these women receive widow’s payments. At the end of January 2004, 32% of those in receipt of either an old age contributory or retirement pension were women. Some 63% of people receiving old age contributory pensions are men with 37% being women. It is interesting to compare this figure with those on non-contributory pensions where 58% of those
receiving non-contributory pensions are women with 42% being men. It is clear that women mainly receive non-contributory pensions and men mainly receive contributory pensions. This shows vulnerability, on which matter I will return to the House with some thoughts as soon as I have the opportunity.

It is still Government policy to bring the qualified adult allowance up to 70% of the non-contributory pension. It is our intention to move towards that position over a number of budgets.

I have discussed the issue of family members and PRSI with representatives of the IFA. Obviously the Deputy meets the same people I meet. We explained to them the partnership and company requirement etc. I am familiar with the issue and they are familiar with our response, which is that we will examine the issue with a view to responding. I assure the Deputy that the issues he has raised are on our agenda.

Mr. Stanton: I ask for more details on the Minister’s plans regarding the qualified adult allowance and the promise to bring it up to the full allowance. He has said this will happen over a number of budgets. Given that the promise was made three years ago, how many budgets will it take for this to happen? While I am glad the Minister has acknowledged that women, particularly older women, are at risk of poverty when compared with men, what does he intend to do to help people in such a situation? What are the plans and timescale for the qualified adult allowance and for helping older women at risk of poverty because of the vulnerability acknowledged by the Minister?

Mr. Brennan: The process of increasing the qualified adult allowance commenced with the budget for 2000 and a number of special increases have been given to qualified adults since then. While I know the Deputy referred to the ratio, the rate of the qualified allowance on the contributory pension now stands at €138.50, which is 84% of the maximum rate of the non-contributory pension. In that case we have gone well beyond the 70% target. Obviously I cannot at this stage explain our budgetary strategy. We will certainly seek to make improvements in this area on an incremental basis.

From the figures I gave earlier it is clear we have an issue regarding vulnerable women, particularly older women. I drew attention to this problem regarding occupational pensions. While I do not have the figure before me, from memory no more than 35% or so of women outside the public service who are in employment had an occupational pension and would need to rely on the State pension. I am giving considerable attention and thought to these issues which are complicated and do not have easy answers. However, the situation has improved as a result of substantial increases in welfare expenditure generally and women’s participation in the workforce has increased dramatically. The combination of these factors has reduced the risk of poverty for women in particular.

Social Welfare Benefits.

5. Mr. Crowe asked the Minister for Social and Family Affairs the reason for the delay in applicants receiving disability arrears from his Department; if it is due to a shortage of staff in processing claims; if many financially vulnerable clients must wait up to three months for their entitlements; and if he will make a statement on the matter. [23813/05]

Mr. Brennan: My Department is committed to providing a quality service to all its customers. Every effort is made to ensure that customers receive all their entitlements as soon as possible following application.

Entitlement to disability allowance is contingent on the applicant satisfying both medical and means conditions. To satisfy the medical condition customers submit a medical certificate from their general practitioner. A medical assessor of my Department examines the medical evidence submitted and, if necessary, asks the person to attend for a medical examination to establish if the medical conditions for the scheme are met. The weekly rate of disability allowance depends on the amount of weekly means the person has. Means are assessed on the basis of income which the person or the person’s spouse may reasonably expect to receive in the year following the date of the claim. An officer of my Department gathers all the necessary evidence, including documentation, to make an assessment of a person’s means. In certain circumstances a home visit may be necessary before the assessment can be completed.

Inevitably, a period of weeks elapses while these investigations take place. This results in arrears accruing to the person. However, once a decision is made on the person’s entitlement, the weekly rate is put into payment to ensure that the person receives ongoing payments as soon as they are due. Arrears accruing for the period from date of entitlement to date of first payment are then computed and issued as soon as is practicable. Many claimants are in receipt of supplementary welfare allowance or other primary social welfare payments during this period. The amount of such overlapping payments must be established and deducted when computing the net arrears due. Having regard to the time it takes to decide on applications for disability allowance in the first instance and subsequently to calculate and issue the appropriate amounts of arrears due, it is inevitable that a number of weeks will elapse before these matters are finalised in any case.

One of my Department’s priorities is to minimise the time lags involved in processing new claims and any associated arrears due. Targets are set for claim processing, including calculation and payment of arrears, but pressures can arise at certain times due to claim volumes, as a result of which these targets are sometimes not met. My
Department makes every effort to ensure, however, that payments are made as quickly and expeditiously as possible.

Additional information not given on the floor of the House.

There has been a significant increase in the number of disability allowance applications received by my Department in the first six months of 2005. A total of 10,500 applications have been received, compared with 8,700 in the first six months of 2004. In this context, priority has, in the first instance, been given to processing entitlements to the allowance. Consequently some delays have been recently experienced in the processing of arrears of disability allowance. Staff resources, which have become available as a result of the successful completion of another project in the disability allowance area, are being dedicated to the processing of arrears to reduce the number of cases awaiting decision. The situation will continue to be closely monitored to ensure that service improvements are effected.

Mr. Crowe: I will be interested in seeing the additional information. We are talking about vulnerable people in bad health. The Minister has spoken of delays in terms of weeks. I have heard of one particular case where a person was waiting for up to three months. I have been told there is a problem within the Department and that people were on long-term sick leave. How long are people actually waiting? What is the longest waiting period? Is the embargo on public servants the cause of the problem? There may not be enough people in the Department processing the forms.

How many staff are working in this area? Is it a matter of training people if others are out for the long term? Have people been waiting for six months? The Minister mentioned that some can go to the community welfare officer. Many people will not go to the community welfare officer, due to pride or whatever. I know of one case which was successful in obtaining arrears with the help of the Department. However, there are many people who do not want to go down that road and they borrow from families and others. In light of the difficulties that seem to be emerging in this section, will the Minister carry out some kind of organisational review? These are some the most vulnerable people in society, they are ill and in need of this money.

Mr. Brennan: In the first six months of 2005, 10,500 applications were received. That compares with a total of 8,700 in the same period last year so that is quite an increase. Currently, there are 3,422 cases awaiting calculation of arrears and 2,800 of these are for people who have been awarded the allowance. A total of 572 cases are for persons who have been given revised rates of payment. Out of the 3,422 cases in arrears, 925 are awaiting determination for longer than three months. I am examining resources as a result of this information.

Other Questions.

Pension Provisions.

6. Mr. Ring asked the Minister for Social and Family Affairs the areas he has asked the pensions board to look into with regard to increasing pension coverage; and if he will make a statement on the matter. [22919/05]

40. Mr. Howlin asked the Minister for Social and Family Affairs the efforts he is making to address inadequate pension provision here; his views on whether the issue is now developing into a major crisis; and if he will make a statement on the matter. [23021/05]

70. Mr. G. Mitchell asked the Minister for Social and Family Affairs his plans to encourage more women to take up pensions; and if he will make a statement on the matter. [22914/05]

83. Mr. Bruton asked the Minister for Social and Family Affairs the details of the number of persons in the total workforce who are covered by pensions; the percentage of these that are covered by PRSAs; the breakdown of the pension coverage by pension type; if he will provide information on the ages of persons availing of PRSAs; and if he will make a statement on the matter. [22933/05]

85. Ms Lynch asked the Minister for Social and Family Affairs the reason for the slow progress towards the 70% national target for pension coverage for persons over 30 agreed by the social partners and the Government; the precise national figure for pension coverage; and if he will make a statement on the matter. [23022/05]

369. Mr. Stanton asked the Minister for Social and Family Affairs the number of persons who have taken out PRSAs since the scheme began; the breakdown of the number of new PRSAs opened each year; the percentage of PRSA holders who are making a sufficient level of contribution to allow them to maintain a similar lifestyle on retirement; and if he will make a statement on the matter. [23527/05]

389. Mr. Durkan asked the Minister for Social and Family Affairs his preferred options in respect of pension plans for the future; and if he will make a statement on the matter. [24155/05]
PRSA access where occupational schemes are not available, as well as an ongoing national pensions awareness campaign.

CSO figures for the first quarter of 2004 show that 52.4% of persons in employment have a supplementary pension. Out of a national workforce of around 2 million people, an estimated 900,000 do not have a private or occupational pension to boost their incomes in retirement. The coverage rate for women is 46.8% against 56.3% for men and it is clearly a situation which must be improved to ensure people make adequate provision for their retirement.

The key target group for Government action in the supplementary pensions area represents those who are 30 years of age and over. The national pensions policy initiative suggested that up to 70% of this group will need to supplement their social welfare pension to maintain living standards in retirement. The most recent CSO figures suggest that 59.1% of people in this group have the necessary pension cover, a small increase on the 2002 figure of 57.4%.

Over the past three years the pensions board has run a national pensions awareness campaign which is designed to increase awareness of pensions issues amongst the public and to encourage pensions take-up. A total of €1 million was spent on the campaign through 2003 and 2004 and further resources have been allocated to facilitate the campaign in the current year.

As well as raising general awareness, the campaign has also focused on areas of the country and sections of the population with lower levels of pensions take-up. The 2004 campaign featured a number of special promotions aimed specifically at women. There is no doubt that progress on pensions coverage is being made as there has been a steady increase in the number of people taking out PRSAs and in those participating in occupational schemes. The latest figures from the pension board show that almost 51,000 PRSAs have been taken out up to the end of March 2005. Just under 80% of these are standard PRSAs with the remainder being non-standard.

Additional information not given on the floor of the House.

The most recent data on the age profile of PRSA contributors relates to December 2004 and indicates that just under 50% are aged 35 or over, with 9% under 25. It is not possible to comment on the adequacy of the contributions being made as information on the income and contributions of individuals is not available. However, overall pensions coverage is increasing at a lower rate than is desirable. The reasons for this are many and varied and include issues of affordability and the fact that many people feel they are too young to consider pension provision.

In February 2005 I asked the pensions board to commence work on a comprehensive review of our overall pensions strategy in advance of the previous timeframe of September 2006. A one-size fits all retirement regime may not best reflect the needs and wishes of Irish people in the 21st century. The review encompasses an examination of the main strategic recommendations contained in the national pensions policy initiative including those relating to the adequacy of income in retirement, coverage targets, levels of social welfare pensions, sustainability of State pensions and the tax support for private and occupational pensions. The review is also examining the question of alternative ways of addressing adequacy and coverage issues. The role the State might have in future pension provision is also being examined.

At this stage I am not examining any particular measures but I am waiting on the conclusions of the pensions board before deciding on further action in this area. However, some type of mandatory regime is always an option and the pensions board is looking at this with particular regard to the position in other countries. I am aware of the potential of maturing SSIsAs as a way of increasing pensions coverage and I have also asked the pensions board to look at how we might tap into the savings habit that has been created to develop attractive pension-based savings initiatives.

Work on the review is ongoing and I am anxious to ensure that it is completed in the shortest possible timescale so I can review the position and decide what further action is required in this area. I expect to receive the report of the pensions board in September. This report will take account of the various submissions made to the board. Governments abroad are trying to deal with the challenge of funding pensions for an older population that is generally living longer and healthier lives. The situation here is by no means a crisis. The demographic situation remains favourable for the next ten years or so and this allows us time to address the issues surrounding our pensions system. It is essential, however, that we take action sooner rather than later so we can deliver on our commitment to ensure an adequate retirement income for all.

Written answers follow Adjournment Debate.

Private Notice Questions.

Natural Gas Grid.

An Leas-Cheann Comhairle: I will call on the Deputies who tabled questions to the Minister for Communications, Marine and Natural Resources in the order in which they submitted their questions to my office.

Mr. Broughan asked the Minister for Communications, Marine and Natural Resources in view of the jailing of five citizens by the High Court yesterday, if he will intervene to seek a resolution of the dispute between Shell and local residents in north Mayo, possibly through the urgent appointment of an independent arbitrator; and if he will make a statement on the matter.
Dr. Cowley: I hope the Minister will intervene immediately with an urgent inquiry to find out what caused the jailing of five people from Rossport, County Mayo.

An Leas-Cheann Comhairle: The Deputy can only pose the question as submitted.

Dr. Cowley: They have been in mortal fear of their lives due to the imposition of the potentially lethal gas pipeline.

An Leas-Cheann Comhairle: The Deputy is out of order.

Dr. Cowley asked the Minister for Communications, Marine and Natural Resources in view of the jailing of five innocent people from Rossport, County Mayo, what action he will take in the dispute with Shell.

Mr. Eamon Ryan: I am at a disadvantage as I do not have the exact text. Will the Minister publish the original QRA for the project and provide complete public access to all the information regarding the health and safety aspects of this scheme?

An Leas-Cheann Comhairle: The Deputy is again completely out of order. Deputies must quote the question that is tabled to the office.

Mr. Eamon Ryan: I apologise.

Mr. Ring: I would like to raise a matter of urgent national importance, namely, the jailing of five innocent land owners from Rossport and the surrounding areas who were objecting to the proposed gas pipeline on health and safety grounds. They are trying to protect their land, families and livelihood.

An Leas-Cheann Comhairle: The Deputy is departing from the text submitted to the office.

Mr. Ring: That is what my text contains. There were two alternative ways to bring in the gas pipeline. One was stopped to save Shell money and the other was stopped for environmental reasons.

An Leas-Cheann Comhairle: The Deputy is out of order.

Mr. Ring: Why is it that a British company gets an injunction to jail five innocent men? This project has been supported by the county council, the Government and all the resources of the State were put behind this project.

An Leas-Cheann Comhairle: The Deputy is not in order to vary the questions.

Mr. Kenny asked the Minister for Communications, Marine and Natural Resources in view of the imprisonment of five persons from County Mayo for contempt of court, to appoint an intermediary to discuss the outstanding issues that require clarification in regard to the laying of a pipeline from the Corrib gasfield to a Shell terminal at Ballinaboy, Rossport, County Mayo; that such clarification require that the documentation regarding the risk assessment of the pipeline in question be published, due to legitimate health and safety questions about the level of gas pressure in the pipe; that clarification also be provided by Mayo County Council regarding planning permission for storage compounds and traffic management in the area; and if he will make a statement on the matter.

Ms Cooper-Flynn: I ask the Minister for Communications, Marine and Natural Resources to intervene personally in the current crisis that has arisen in north Mayo, where five residents of Erris have been jailed because of their opposition to the routing of the Shell pipeline in north Mayo for safety reasons. This represents an unacceptable situation.

An Leas-Cheann Comhairle: The Deputy is again departing from the text. I call on Deputy Joe Higgins.

Ms Cooper-Flynn: As the Dáil will rise tomorrow for the summer recess, there is an obligation on all public representatives to work together to secure the release of the five men.

An Leas-Cheann Comhairle: The Deputy is out of order in departing from the question.

Ms Cooper-Flynn: I am not departing from the question. My question was submitted in handwriting. I add that you did not call Deputies in the order in which they submitted their questions.

An Leas-Cheann Comhairle: There is a limited time for these matters. I call Deputy Joe Higgins.

Ms Cooper-Flynn: I am making the point that you did not call us in the order in which we submitted our questions.

Mr. Ring: On a point of order, the staff of the House changed the content of what was submitted. How can we be expected to know what they have put down? What I submitted was what I read out, a Leas-Cheann Comhairle, but you did not give me an opportunity to finish it. You had better check that with the staff of the House.

An Leas-Cheann Comhairle: You are wasting time.

Ms Cooper-Flynn: On a point of order, I support Deputy Ring. The text of my question, which I submitted in my own handwriting, was also altered.

An Leas-Cheann Comhairle: The office reserves that right.
Ms Cooper-Flynn: You did not call people in the order in which they submitted their questions. While I appreciate that you are not responsible, you should bring it to the attention of the Ceann Comhairle.

An Leas-Cheann Comhairle: The Deputy is not in order.

Mr. J. Higgins asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the imprisonment of five Mayo residents at the behest of the Shell corporation.

Mr. Durkan asked the Minister for Communications, Marine and Natural Resources to carry out an immediate review of the circumstances surrounding the laying of a gas pipe in County Mayo which has led to the imprisonment of a number of local residents; if, having regard to the decision of the High Court, he will initiate discussions between the oil company concerned and local residents with a view to achieving an amicable resolution to the issues which have led to the current unacceptable circumstances which have ended with the incarceration of local residents; and if he will make a statement on the matter.

Ms Harkin asked the Minister for Communications, Marine and Natural Resources what steps he is taking to find a resolution to the impasse involving the intolerable and unacceptable circumstances whereby five County Mayo residents are in prison arising from their genuine health and safety concerns about the laying of a pipeline by Shell at Bellanaboy, County Mayo.

Mr. Carty asked the Minister for Communications, Marine and Natural Resources the steps he will take to achieve a settlement relating to the Shell proposed gas line at Rosport, County Mayo, which will lead to the release of five persons from prison.

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I thank Deputies for tabling their questions and providing me with the opportunity to address the matter in the House. I am deeply concerned by the recent turn of events. It is a matter of great regret to me as well as to the Deputies that five persons have been committed to prison by the High Court. I share the Deputies' wish to see the matter resolved as quickly as possible. Deputies will not, however, expect me to intervene in a decision of the High Court, which must be allowed to act independently. The last person who did so was a Minister of State who found himself out of a job very quickly.

The best way to achieve a quick resolution of the matter in question is through constructive dialogue between the company and the representatives of the people concerned. Both parties must be willing to approach the difficulties with an open mind. I am aware that efforts are being made by the company, the Council of the West and Deputies who are present in the House to resolve the issues which have arisen. I share the hope that the process will result in a settlement that is acceptable to both sides. The fact that 11 Private Notice Questions have been submitted on the issue reflects the genuine concern of Members on all sides of the House to ensure the matter is resolved.

It might be helpful to outline for the House the circumstances of the Corrib gas field development in so far as my Department is concerned. The Department is responsible for the regulatory aspects of petroleum exploration and development. In the case of the Corrib gas field, authorisations were granted by the Department under a number of provisions. Under the Continental Shelf Act 1968, authorisation was given for the construction of the offshore installation within the continental shelf designated areas on 15 April 2002 by my predecessor. My predecessor also gave consent on 15 April 2002 for the plan for the development of the field under the Petroleum and Other Minerals Development Act 1960. Under the Gas Act 1976, as amended, consent was given on 15 April 2002 for the construction of a gas pipeline from the gas field through the offshore up to the terminal building. Under the Foreshore Act 1933, as amended, a foreshore licence was granted on 17 May 2002.

In accordance with EU directives, an environmental impact assessment statement was submitted with each application for consent or approval. In addition, my predecessor made 35 compulsory acquisition orders of rights over land — I stress that they were rights over land — and one compulsory purchase order of land under section 32 of the Gas Act, as amended. The purpose of the orders was to allow the developers to use certain privately-owned lands for the construction of a pipeline from the gas field up to the proposed terminal building in Bellanaboy, which is 7 km inshore. The consents and approvals granted by my predecessors are extant and the compulsory acquisition orders remain valid.

The consent to construct a pipeline of 15 April 2002 under the Gas Act 1976 was subject to a number of conditions, among which was the requirement to seek approval to install and commission the Corrib gas pipeline. The developer's application for consent to install and commission the pipeline is being carried out in seven phases from the subsea to the terminal. The process commenced in 2002. Consents to install and commission have been issued for phases 1 and 2, the preparatory work of phase 3 and for phase 6. The Department is finalising its decision on the onshore pipeline, which is the remaining element of phase 3, and evaluating the company's application to install and commission the offshore pipeline, which is phase 4. The remaining phases 5 and 7 will be dealt with in 2006 and 2007.

The current dispute between the objectors and the developers relates to the onshore pipeline,
which is the remainder of phase 3. There are some objections to the granting of acquisition orders for way leaves by the then Minister for the Marine and Natural Resources over certain lands to permit the installation of the pipeline. As part of its submission for consent to install and commission the onshore pipeline, the developers were required to submit a quantified risk assessment which addressed, among other things, potential risks to the public along the pipeline route. Since the onshore pipeline application was submitted to the Department in 2002, two independent assessments have been carried out on the quantified risk assessment. The pipeline design code was also assessed.

The consultant who evaluated the onshore pipeline design code indicated that it had been selected in accordance with best public safety considerations. He indicated that, subject to compliance with conditions laid down by the Minister in his approval, the design was generally in accordance with best national and international industry practice. The quantified risk assessment has been put into the public domain. One of the assessments of it is already in the public domain while the second will be published in the next few days. The overall finding of the quantified risk assessment that the prediction of risk to the public from the operation of the onshore section of the Corrib gas pipeline conforms to international criteria is supported by the latest report I have received. The plan of development approval, including the consent to construct a pipeline, took account of safety matters. It also incorporates the permits-licences to be issued by other regulatory authorities. To this end, I draw Deputies’ attention to the following.

The plan of development approval was given subject to a number of conditions. Condition No. 3 stipulates:

Approval by me for First Gas (commencement of Commercial production operations) will be subject to amongst other things the receipt of a Letter(s) of Acceptance for all Corrib installations, pipelines and associated engineering infrastructure from an auditor to be appointed by my Department indicating that 3rd Party Independent Verification has been carried out and completed satisfactorily in relation to the development.

In addition, the planning process takes due account of all safety aspects, including public safety, in its determination. In this regard I draw Deputies’ attention to condition No. 15 of An Bord Pleanála’s planning decision, which stipulates that:

Before the commissioning of the gas terminal, the developer shall submit to the planning authority a certified Safety Audit in relation to the installation of the combined upstream pipeline and terminal elements of the development within the planning application site, and the agreement of the planning authority shall be received.

The Safety Audit shall be prepared and certified by an independent qualified and competent person or body. Such body or person, and the precise form of the Safety Audit, which shall include Qualitative and Quantitative Risk Analysis of the specified combined components, shall be agreed with the planning authority.

The Safety Audit shall also be submitted to the Health and Safety Authority and the Department of Communications, Marine and Natural Resources at the same time as it is submitted to the planning authority.

Thus the House will appreciate the concern of local residents in regard to the operation of the pipeline following commissioning and first gas. The comprehensive approval regime put in place by my predecessor envisages conditions in regard to the ongoing operation of the pipeline over the period of its life. I will ensure that an appropriate independent auditing and monitoring regime will be installed prior to any gas passing through the pipeline. This will ensure that best safety practices for the operation of the pipeline will be in place to my satisfaction. I intend to approach the design of such an independent regime on an open and consultative basis. I will ensure the concerns of local residents are taken fully into account in the design of such an independent auditing and monitoring regime and I will make a statement to the House in this regard when appropriate.

Two assessments have been carried out on the QRA, one of which is already in the public domain and the second will be published in the next few days. The overall finding of the QRA is that the prediction of risk to the public from the operation of the onshore section of the Corrib gas pipeline conforms to international criteria. The latest report on the QRA supports this conclusion.

I hope the current efforts being made by Members in the House and by others outside will resolve the issues amicably and that the people who are in jail will be released very shortly.

An Leas-Cheann Comhairle: I remind the House that this matter concludes at 5 p.m. Eleven Deputies have submitted questions and I hope to accommodate them all but I can only do so if Members are extremely brief in their supplementary, no more than two minutes, to give the Minister ample time to reply.

Mr. Broughan: Does the Minister agree that it is extremely regrettable and disgraceful that James Brendan Philbin, Willie Corduff, Micheáil Ó Seighin and Philip and Vincent McGrath are in Cloverhill Prison tonight over this matter? The legal advice the Labour Party has obtained is that the contempt of court relates to a civil rather than a criminal matter. Would the Minister be prepared to ask the Shell oil company to waive its
rights in this regard to ensure that these five people are released while the work of our colleagues in the Council for the West and other bodies continues? Would the Minister prefer to take a proactive role in getting these citizens out of jail and preventing other citizens going to jail?

I am sure colleagues will have questions on the quantified risk assessment. Is it not outrageous that the review was carried out by a company owned by Shell and BP? In other words, there was a clear conflict of interest. The Minister told me on 15 June that he was carrying out a review of the safety aspects of the pipeline. This has not yet been completed and the Minister cannot tell us anything this evening. Undoubtedly, the safety aspects of the pipeline is far outside the technical design scale. The Minister has a responsibility to bring forward this review and make it public as soon as possible.

The Minister said this pipeline is unique in the world because it is going through a populated area. For that reason, he has a clear responsibility to ensure the safety of these people in prison, their families and the people they represent in north Mayo. Is it not a fact that the rights of way legislation which only applied to public sector companies was changed by a predecessor of the Minister? The former Minister, Deputy Fahey, said that in the national interest he was allowing the construction of this pipeline by a private multinational company. Was that not an outrageous decision to make in regard to a private enterprise operation which gravely affects many families?

Will the Minister take a proactive role and appoint an arbitrator to liaise with local people, interested local representatives and other bodies to try to resolve this matter and to get these people home as soon as possible?

**Dr. Cowley:** The Minister referred to talks, but talk is cheap. I would not hold out much hope for these talks. The fundamental issue is that these people are in jail because of the situation that has developed. Their lives are in peril. How will talks sort this out? The Minister is the one with ultimate responsibility for this situation. Shell obtained planning permission without going through the same regime as I or anybody else would have to go through. It got carte blanche.

The Minister is the only one who can sort this out. He must intervene and stop Shell from obtaining any more consents and make sure a safe system is in place. A pipeline attached to an offshore terminal would be much safer. This is the responsibility of the Minister. The QRA is based on the work of JP Kenny, which is the company that did the original work on the pipeline which was initiated by Enterprise Energy, formerly Enterprise Oil, that was taken over by Shell. How can the QRA be independent when the company that carried it out was 50% owned by Shell? The information was flawed from the beginning, so how can it be independent? Those people are in jail because they do not feel safe.

What the Minister has said will not make any difference.

An investigation must be carried out into how companies can collude with Shell and the Government to get around the planning laws. The deals done in 1987 and 1992 were sweetheart deals that gave the oil companies a 25% tax rate which they can write off against all their operations in Ireland. There is a need for an independent oil inspectorate. We need answers but we are not getting them. Those people are languishing in jail purely because of fear. Talk will not solve the problem. The Minister is the only one who can solve it. He can do so by refusing any more consents and by insisting the gas is brought onshore in a safe way.

**Mr. Eamon Ryan:** The issue here is whether it is safe to have a pipe with highly pressurised untreated gas up to 340 bar with a heavy moisture content going across land that in some cases has up to 10 m of bog. Effectively, a bog of that depth is a watery body which would mean the pipe would be a floating one in a watery body. It is not just an ordinary 80 bar gas pipeline that Bord Gáis might run, but one with a very high pressure at certain locations with impurities and other materials in it that would be potentially hazardous to people or houses in the vicinity if they were to escape. That is the issue of concern.

We have been concerned about this for a significant period. In two years of examining this matter, I have yet to get a straight answer that it will be safe and that a bog movement of some kind would not endanger such a pipeline and put people in the vicinity at risk. The former Minister for Communications, Marine and Natural Resources stated that the pipeline met international codes, yet in his reply to a question on 8 July 2004 stated that there were no international design codes dealing with gas pipelines in peat bogs. Is that not one of the problems? In response to a question asked by me on 7 July 2004, he stated: “When the final application to install the onshore pipeline for phase 3 is received, the issue of deep peat soil will be examined along with all other matters such as design, trench depth and compliance with conditions attaching to pipeline consent of 15 April 2002”. I have yet to see this analysis or to have any credible analysis presented to me.

The Minister stated today that the original quantified risk assessment has been published. Is he referring to the Andrew Johnson report of 28 March last? It presented some very serious caveats and concerns about the project and described the pipeline as very unusual. The former Minister issued consent therefore barely a couple of weeks after the issuing of the report during one of his last days in office.

The Minister specified that all the relevant public documents have been presented. If so, and if I have them in my possession, I am still uncertain about the safety of the pipeline. This is what concerns the residents and what has them in their
current difficulties. The Minister, therefore, should be absolutely open and take the side of the people in ensuring the pipeline is safer than that of the developers in ensuring it proceeds as quickly as possible.

**Mr. Ring:** I want to make a number of points to the Minister. There are 500 people in Rossport. A number of people who were working for Shell and associated companies have walked away from the pipeline project today in support of the people who have been jailed. My first priority concerns the influence of the Department, including the Minister, on Shell. By God, it has a great influence on Shell because the door was always open for the company whenever it wanted to walk in, particularly under the previous Minister, Deputy Dermot Ahern. Can the whole project be reassessed by way of an independent inquiry into the behaviour of the Department regarding the planning process, the way in which the door was opened for Shell and the way the residents of Rossport and the surrounding areas have been treated?

Why has the Minister not released the first risk assessment report? Before further consent is issued to Shell, that report and all other relevant reports should be released and the people should be allowed sufficient time to examine and discuss them.

On phase 3 of the pipeline project, will the Minister confirm whether Shell has his consent to continue with its work or is it breaking the law? Under what planning legislation did he give the company permission to build sheds, huts and other developments at Rossport without going through the planning process? How is the company allowed to do this?

Will the Minister consider seriously an independent evaluation of the project and consider other ways of bringing in the gas rather than by upsetting, disturbing and destroying the lives of people who did not ask for the pipeline to come by their doors and who did not want it to do so? There are now five innocent people in jail — five citizens of this State — who have been let down by the Minister, his predecessor and the rest of the Government because the door was open for a multinational company. By God, I am sure the tent will be also open at the Galway races in two weeks.

**Mr. Kenny:** I have always favoured the bringing ashore of the Corrib gas field product, but on the basis that it should be done in accordance with the highest possible standards and without infringing people’s rights. Five constituents of mine, and of other Deputies, from Rossport are in jail today because of contempt of court. This House cannot do anything about it unless they purge their contempt by indicating to the court that they will not obstruct the oil company. They are not prepared to do so because they have legitimate fears concerning health and safety. Is the Minister prepared to intervene to appoint an intermediary to discuss this matter with the persons involved, or their representatives, and Shell, Mayo County Council and relevant State agencies? The matter will not be sorted out if it is left as it is. The depth of conviction of the five constituents is such that they are quite prepared to stay in jail, and be joined by others if necessary.

Is there a difference of opinion between the Department of Communications, Marine and Natural Resources and the High Court? I understand the judge indicated that Shell, while it does not have consent to lay the pipe, is entitled to do so, but that if it is not laid in accordance with the proper conditions it might have to be dug up. Is there a difference of opinion in law and in fact regarding the company’s right to do what it is doing, given that it has not received signed consent from the Minister? Was it a case of marking the wayleave for the pipe? Had the company authorised, without the Minister’s consent, to do what it has done?

Most important, is the pipeline safe? The Minister stated in a recent reply to Deputies that he would see to it that all public safety issues related to the operation of the pipeline would be addressed prior to its commissioning. Either the pipeline is safe or it is not. Is there evidence from other places in the world where a similar incident has occurred to suggest that such a pipeline is safe? Can the Minister give a categoric assurance to the House that the pipeline in Rossport, which is to carry untreated gas at such pressure, is safe?

Will the Minister undertake to release the two assessments that were carried out, one of which is already available and the other of which is to be published in a few days? If the imprisoned Rossport residents decide to purge their contempt and be released, is the Minister prepared to ensure, from direct discussions with the company, that it will not take any further action regarding the pipeline from the seapoint to the terminal until such time as all the issues regarding health and safety risks are clarified?

There is some concern about the compounds that were provided close to the terminal, as raised by Deputy Ring. Did they require planning permission? This is a straight question and deserves a clear answer.

The five men who have been imprisoned will not come out of jail unless their legitimate fears about health and safety are addressed. It requires political intervention on the part of the Minister to appoint an intermediary or mediator who can discuss all the relevant matters rationally with all the agencies and interests involved and arrive at a solution.

I was struck by the Minister’s indication that it is possible the prisoners could be released very shortly. The judge said yesterday they cannot be released unless they purge their contempt. They are not prepared to do so unless these matters are addressed thoroughly. Herein lies the Minister’s
Ms Cooper-Flynn: The first point the Minister made is correct, that is, a resolution to this dispute can only be achieved through negotiation. However, as long as the five men are in jail, there will be no negotiation. The local people of Rosspoint are not prepared to negotiate without them. An opportunity must be created by the Minister to facilitate talks. The jailings have created tension throughout County Mayo and are regarded as very unfair. The heavy hand of the law has been wielded against ordinary, decent family men. This does not help to advance the project for Shell and it is keeping men from their families. The Department cannot remain remote because, as the Minister correctly stated, he most definitely does have a role to play, particularly with regard to giving consent. Perhaps the Minister would provide clarity because there seems to be some confusion among local people. Does the consent allow for Shell to go in and peg out the way leave for the laying of the pipe? Is it correct to state that consent for the laying of the pipe has not yet been granted? The Minister must consider the matter very carefully before he advances any further on the issue of consent, particularly in light of the present situation.

The Minister mentioned that the QRA is in the public domain, but that is not correct. It is not in the public domain because the Minister’s Department will not allow it. It has asked for the QRA not to be published at the present time until all consents are available. However, as the Minister told the House, all consents have not been granted at this time.

It is proposed not to odorise the gas in the pipeline from the well-head to the terminal. When it passes by these people’s houses, it will do so without any odour. Bord Gáis usually odorises gas so that leaks can be detected. Can this concern be simply rectified? Will the Minister consider the matter?

The position will escalate and more people will be available to go to jail. There will be no movement whatsoever on the project unless the Minister takes matters into his own hands. We do not want him to interfere with the High Court decision, but he can create a environment in negotiation with Shell and the local community for this matter to be resolved. The men should be able to purge their contempt without any loss of face. Why should they lose face? They have done nothing wrong except to defend their own interests and resolve safety fears. There is no need for anybody to lose face if the Minister creates the environment to make negotiations possible.

Mr. J. Higgins: Will the Minister confirm that there is no barrier to him asking Shell to pull back from confrontation and lay off until the issues are fully discussed and resolved? Does he not find it extraordinary that the High Court is giving every benefit to a major corporation over the small people of Mayo? Is it not incredible that a full hearing of the issues of concern to the people of Mayo will be heard in the autumn, probably in October? In the meantime, the company is allowed to proceed and put everything in place with the like-minded reminder from the High Court that the pipes will have to be taken out again if the decision goes against Shell. Is it not incredible that the courts take this view before the Minister has given his consent and before the most recent risk assessment report is put into the public domain? The High Court has given every benefit to Shell at the expense of the small people, which is what happened when the Minister’s colleague wanted to publish a report into exploitation at Gama. In that instance, the courts would not allow it to be published until the substantial hearing was held thus once more facilitating a powerful company.

Why is Shell so bullish and confident that it will get its pipelines come what may? Has it been secretly assured by the Minister, his predecessor, the Government or Fianna Fáil that it will get its gas in the way it wants regardless of the genuine fears and concerns of decent local people? Has the Government not fallen over itself on every occasion to facilitate the company? It is a terrible scandal for a Government to give an entire gas field to multi-national corporations without a penny in royalties for the Irish people.

Mr. Durkan: Like other speakers, I would like the Minister to take a personal interest in the situation. Regardless of what has happened in the past, he must now confirm that all health and safety regulations are being complied with in full and that state of the art technology is being used to ensure that safety measurements are taken in accordance with the law and well above the required tolerance.

Is the Minister prepared to intercede with a view to Shell suspending operations for a short period to facilitate negotiations in which the Minister and others can play a part with a view to identifying some kind of common ground? Purging of contempt is the only way to comply with the court order. However, as Deputy Kenny pointed out, that cannot happen in this case because the people now in prison strongly believe they are correct in their views. The object of the exercise now is to ascertain the extent to which the Minister can ensure that reason will prevail. A short time must be given in which to enter into negotiations that might result in an accommodation to enable the men in prison purge their contempt.

I have experience of this type of situation and am conscious of the points raised by several other Deputies. The current situation is intolerable. Regard must always be given to the rights of the individuals who live and work in any area when a development is taking place. It is possible to grant permission to allow developments to take place but it must be done against the backdrop of...
the rights and entitlements of people who live and work in the area.

Ms Harkin: The Minister said he would like to facilitate constructive dialogue. What is he specifically doing about the matter? We need dialogue and negotiation because the situation is escalating. The Minister is the one with direct responsibility so what is he doing to facilitate dialogue?

Is the second QRA based on the work done by JP Kenny? If so, will the Minister insist that a totally independent QRA is commissioned before he gives his full and final consent?

Does the Minister accept that people have genuine concerns which have not been fully and properly addressed? He spoke of the prediction of risk to the public and that it conforms to international criteria. What does that mean exactly? If the pipeline is unique, to use the Minister’s words, and if the location of bogland adds to that uniqueness, what international criteria are we speaking of?

What is Shell mandated to do at this time? What is it not allowed to do? I understand that it can mark way leaves and routes but not any excavation. Why is Shell pursuing the matter at this time if it does not have full consent? When does the Minister propose to make a final decision regarding the onshore pipeline?

Will the Minister ask Shell to temporarily waive its rights in this situation, allow the men out of jail and ask the company not to proceed until a full and completely independent assessment is carried out?

Mr. Carty: I will be brief because of time constraints. I appeal to the Minister to use whatever means he has at his disposal to get the men out of jail and begin negotiations with Shell. This action is vital. I support gas being brought ashore but not at any cost to the people of the area. The Minister should seek a worthy solution to the problem in the next day or so.

Like Deputy Harkin, I compliment the Council for the West for doing a good and quiet job in getting negotiations under way.

Mr. N. Dempsey: I thank Deputies for their contributions. I realise they would have prepared questions prior to hearing the speech.

A lot of the matters raised by Deputies were dealt with in my speech but I will try, in the limited time available, to touch on some of the points of particular concern.

I reject the suggestion from one or two Deputies that Shell has any more access to me, the Department or to——

Mr. F. McGrath: What about Ray Burke?

(Interruptions).

Mr. N. Dempsey: The processes——

Mr. F. McGrath: Let us not forget Des O’Malley and Tara Mines.

Mr. N. Dempsey: If Deputies want me to answer the questions they have raised, I will, but if they want to heckle me, I will not. It is as simple as that. I am over time as it is, so the Deputies either want to hear answers or they do not.

Mr. Stagg: There is no Standing Order limit on the time for reply, especially for such an important issue.

Mr. Durkan: That has been agreed.

An Leas-Cheann Comhairle: This business would normally conclude on Thursday at 4.45 p.m. but it was agreed to give an extra 15 minutes.

Mr. Kenny: This is an exceptional matter and I am quite sure the House would agree to allow the Minister to have ten or 15 minutes to reply.

An Leas-Cheann Comhairle: The Chair has sole discretion in these matters.

(Interruptions).

Mr. Stagg: There is no time limit under Standing Orders.

Mr. Eamon Ryan: Would the Minister agree to stay on in the circumstances?

Mr. Durkan: I suggest we amend the orders of the House or if the Minister is agreeable, he should be given the time to reply.

Mr. N. Dempsey: If the Deputies stayed quiet and let me give the answers, I would be able to do so quite quickly. However, if they want to heckle and throw insults across the House, I do not think——

Mr. McCormack: If the Minister tells the truth, there will be no heckling.

Mr. N. Dempsey: It is not going to be of help to anybody and it is certainly not in the interests of the five men in jail that Deputies want to try to get cheap political shots in instead of trying to resolve the issue. If we could work on trying to resolve the issue, it would be very helpful for everybody.

Deputies raised the issue of the QRA and why it is not available. The QRA, version F, which is the one we are operating on, is in the public domain on the Department’s website. There were quite a number of questions on whether the pipeline is safe and rightly so, given the safety con-
cerns raised by the families directly involved. I can only judge this issue by the reports and the expert advice that I receive. I am not an engineer, no more than most of the Deputies who spoke. All the advice I have is that the pipeline conforms to international standards and criteria and that the risks are within the normal international criteria. That is the information I have and that is the basis on which I must act. I cannot act in an arbitrary manner in relation to the matter.

Some Deputies raised a specific question, the answer to which might be helpful in providing the breathing space that is required in this situation. The basic question was whether Shell has permission to lay the pipeline at this time. It has not got the consent to do that. It has the consent, as Deputies have indicated, to mark out proposed routes and so forth, but it does not have the consent to lay the pipeline immediately. It cannot enter the lands to lay the pipeline at present.

Regarding the allegation that Shell has been allowed to ignore planning rules and procedures, I outlined earlier the various consents that the company had to get before proceeding. It had to get the plan of development approval, the pipeline consent to construct, the foreshore licence and consents under the Continental Shelf Act 1968. Those consents date back some time, in one case to 1968, and the company had to comply with each one. That is the procedure we agreed in this House for the construction of pipelines. To my knowledge, Shell has complied with all of those consents so far.

**Mr. McCormack:** What about the sheds?

**Mr. N. Dempsey:** There is a question around planning permission. It is a matter for the local authority to decide. If any of the Deputies feel that Shell is in breach of any planning rules or regulations, that it is a matter to be taken up with the local authority.

On the allegation that the company is colluding with the Government, that is just cheap political point scoring that will not get any of us anywhere.

**Mr. Ring:** It proved to be true in the past and we might say the same again in the future.

**(Interruptions).**

**Mr. N. Dempsey:** Deputy Ring is very good at playing to the Gallery and ——

**Mr. Ring:** I am concerned because I saw what went on in the past and I saw the pressure I came under——

**(Interruptions).**

**Mr. N. Dempsey:** Everything is very simple for Deputy Ring — whatever way the wind is blowing, follow it and do not attempt to have any type of rational approach.

**Mr. Ring:** The Minister will not have to worry about the wind. He will not be smelling gas in County Meath because he will be in his State car.

**Mr. N. Dempsey:** I have answered the points raised by Deputy Ring regarding planning and consents. The Department was not any more open to Shell than any other company.

Deputy Kenny asked whether the Department is in dispute with the High Court. To my knowledge, it is not and I am not going to get into a position where I am in dispute with the High Court. Deputy Kenny’s question is probably answered by my response regarding whether the company has consent to lay the pipeline. I believe that was Deputy Kenny’s point and the company has not got consent to do that yet.

I have dealt with the question of planning.

**Ms Cooper-Flynn:** What about gas odorization?

**Mr. N. Dempsey:** The issue of odorizing the gas is one I will raise with Shell. I know from the point of view——

**Mr. Eamon Ryan:** What about the first QRA? Has that been published?

**(Interruptions).**

**Mr. Ring:** Will the Minister answer that question?

**Mr. N. Dempsey:** I am attempting to answer the questions as best I can, in the order in which they were posed. Regarding the suggestion made by Deputy Flynn, I will raise that with Shell and officials. I am not sure if something can be done about that during the process of giving future consents. I am not sure if it is covered in that.

**Mr. Eamon Ryan:** What is the situation with the first QRA?

**An Ceann Comhairle:** I ask Deputy Ryan to remain silent and allow the Minister to reply.

**Mr. Eamon Ryan:** The Minister has not answered my question.

**An Ceann Comhairle:** Deputy Ryan got his opportunity to speak and I ask him to resume his seat and allow the Minister——

**Mr. Broughan:** The Deputy’s question has not been answered.

**An Ceann Comhairle:** I urge the Minister not to be deflected by interruptions.

**Mr. N. Dempsey:** It is very difficult. In relation to the review of QRA, version F——

**Mr. Eamon Ryan:** I asked about the original one.
An Ceann Comhairle: If Deputy Ryan is not satisfied to listen to the Minister, we will move on to the next business because we are already over time. If he wants to continue interrupting, we will move on.

Mr. N. Dempsey: The second assessment of QRA, version F, is in the Department and in response to Deputy Broughan, I will publish it within the next few days. The concern of all Deputies in raising this matter is to try to resolve the current difficulties. I have a particular role regarding the consents and in essence, I am a regulator in this area, so I am precluded in terms of how I might intervene in the dispute. Efforts being made by the Deputies themselves and by the Council for the West should be given every opportunity to succeed. I understand dialogue is taking place, I am prepared, if it is of any benefit and if nothing comes of that dialogue, to nominate an intermediary. However, there is not much point in appointing an intermediary if either side is going to adopt an attitude that nothing is going to change or if the parties decide not to listen to one another. That would be a futile exercise. I hope and urge those involved, including the Council for the West, to try to reach some compromise. If all fails on that front——

Mr. J. Higgins: The Minister should call in Shell and tell it to back off.

An Ceann Comhairle: Allow the Minister to continue without interruption.

Mr. Ring: The Government will not offend Shell.

Mr. N. Dempsey: ——I will suggest an independent person of good standing who might be willing to undertake the job.

Dr. Cowley: Will there be an investigation?

Ms Cooper-Flynn: How long will it be before the intermediary is appointed? How long will the Minister take to consider it?

Mr. N. Dempsey: I am giving the Council for the West the opportunity of trying to resolve it.

Ms Cooper-Flynn: We are.

Mr. J. Higgins: The Minister is a member of the Government.

Health and Social Care Professionals Bill 2004
[Seanad]: Second Stage (Resumed).

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

Mr. F. McGrath: It is important to deal with the constructive criticisms put forward by the Irish Society of Chartered Physiotherapists which is very concerned that the protection of patients is not being afforded the paramount importance it deserves by the protection of both titles, “physical therapist” and “physiotherapist”. The society has furnished to me a copy of its position statement which outlines the reasons its members believe this Bill must be amended to protect the public and avoid confusion when choosing a health practitioner. To the horror of ISCP members, its original position paper was passed to the Institute of Physical Therapy where it was altered and recirculated to all Deputies as the institute’s own document. The ISCP is very concerned that Members are deliberately confused and misled on a very important issue. The ISCP has written to the institute to express its outrage at what has occurred. As a professional body representing health care professionals, the society is most concerned at this underhand way of presenting information.

The impression is given of a battle between the Irish Society of Chartered Physiotherapists, ISCP, and the Institute of Physical Therapy. This could not be further from the truth. When the ISCP refers to physical therapists it is not just referring to those who attended the institute in Stillorgan for lessons but also to all other physical therapists who have completed courses elsewhere.

The National Training Authority, Park House, Cabinteely, runs a home study course in physical therapy consisting of 24 lessons. No hands-on clinical practice is included and all teaching is carried out by means of manuals posted out to students. Having completed the 24 lessons, the newly qualified physical therapist can set up in private practice, without ever sitting an examination or seeing a patient. This is the reason the ISCP is so passionate about protecting the titles of “physical therapist” and “physiotherapist” for those individuals who are eligible for membership of the ISCP and have completed a university degree course. It would be remiss of the society not to care about protecting the patient. Its members are health care professionals with a genuine interest in patient care, safety and well-being and it will do all in its power to ensure patients are not exposed to inferior treatment.

The ISCP has no issue with those calling themselves “physical therapists” but it insists that if the public is to be protected and confusion avoided, the use of the title “physical therapist” must be changed to a title less similar to the title “physiotherapist”. I commend the Irish Society of Chartered Physiotherapists for expressing its views and its president, Esther Mary Darcy, for informing Members of the House on this issue.

Section 11 of the Bill provides for the council to appoint a chief executive officer to carry out the management and administration of the council and registration boards and to act as the registrar of each registration board and perform any other duties determined by the council. The chief executive officer holds office under conditions of remuneration and allowances that may be determined by the council with the approval of the Minister given with the consent of the
Minister for Finance. I encourage the Minister of State to be flexible and creative in the appointment of the chief executive.

Part 3 of the Bill deals with the establishment of registration boards. The bodies are established on their prospective establishment days to perform the functions and exercise the powers assigned under this Act to the registration board of the designated profession.

Mr. Deenihan: I welcome the opportunity to speak on the Bill. Members have been intensively lobbied by two professions in particular. I will refer to the arguments put forward by both bodies.

This Bill is an Act to provide for the establishment and functions of the Health and Social Care Professionals Council and of registration boards for certain designated health and social care professionals to provide for the registration of persons qualified to use the title of a designated profession and for the determination of complaints relating to their fitness to practise and to provide for related matters.

As the Minister for Health and Children said when introducing the Bill in the other House, statutory registration is best described as a system whereby individual members of a profession are recognised by a specified body as being competent to practise within that profession under a formal mechanism provided by law.

I welcome this development which has been requested for some time. The Bill has been in preparation for a number of years. Unlike systems of voluntary registration, this is a legally binding process with a mechanism for the prosecution of offences. It is integral to the delivery of the commitment in the health strategy to strengthen and expand provisions for the statutory registration of health professionals. This is the first of three Bills to reform the regulatory systems of voluntary registration, this is a legally binding process with a mechanism for the determination of complaints against individual professionals and for the investigation and commitment from health care institutions and professionals. Trust requires that deficiencies in the system be identified, corrective action taken and future progress monitored. The principle of people-centredness includes ensuring that consumers are given greater control and greater responsibility for their own health and increased involvement of consumers as partners in planning and evaluation. This Bill involves members of the public more in regulating the professionals on whom they depend to ensure they have a long and healthy life.

The legislation on statutory registration of health and social care professionals contains a comprehensive legal process for the investigation of complaints against individual professionals and that is to be welcomed. In light of the recent experience in Mayo and other experiences in different parts of the country, we all know that there will be a number of health therapists and others who will not come under the ambit of this Bill. Freelance operators in the health care industry must be answerable in some way for their activities. The professionals are answerable but the freelance health therapists are not. That is a contradiction in the Bill. This Bill is only the beginning of a process that must be continued in terms of dealing with people who advise on people's health on a daily basis.

Some such operators are neither qualified nor hold the necessary education qualifications and in the end the patient suffers except in some instances where by a stroke of luck the operators are successful in administering medicine that happens to work. How does the Minister or the Department propose to deal with that group of people, many of whom have no qualifications other than some cure was handed down to them or they may have attended a course for a few months and subsequently described themselves as professionals and set up in business. I would like the Minister of State, when replying, to refer to such freelance operators in health care.

Strengthening and clarifying accountability and measurement mechanisms is a priority. Professionals now practise in a more demanding environment. Evidence-based guidelines tied to professional standards, the requirements of health care organisations and patients' rights and expectations all add to these demands. That is another aspect of accountability strengthened by these legislative proposals. The establishment of a system of statutory registration for certain health and social care professionals is therefore considered essential to the delivery of the quality and accountability objectives of the health strategy. It will ensure that members of the public are guided, protected and informed so that they can be confident that health and social care professions providing services are properly qualified, competent and fit to practise. These are all wel-
come developments, but they will only apply to the people in whom we normally have trust. The legislation does not have a broader application.

Section 4 designates the health and social care professions to be subject to the provisions of the Act, and they have been mentioned by a number of speakers. Members of a number of the professions were referred to with whom we would come in contact on a regular basis, such as chiropractors, acupuncturists and several more people who describe themselves as professionals. Some of these people would be described as a doctor of acupuncture. Many genuine members of different nationalities who have emigrated here practise in this field.

Regulations covering the qualifications of such practitioners should be in place. Many practitioners, for example, a doctor of acupuncture, may be genuine but there should be a system whereby people could ask such practitioners dealing with the important issue of people’s health to specify their qualifications and where they obtained them, and such qualifications should be checked. There should be some way of tracking where these people are from, where they got their qualifications and if their qualifications are recognised. There might be a European dimension to this aspect in terms of people who emigrate to member states of the Union. The EU might have a role in such regulation.

I wish to return to the matter of the concern of physiotherapists regarding this Bill. They were anxious that the title of physical therapist would attached to the physiotherapists and be protected. There is provision in the Bill whereby the Minister may in future designate other professions. That will be an ongoing process. Physiotherapists are concerned that people who describe themselves as physical therapists can continue to operate, and that is a genuine concern. They have briefed us comprehensively regarding their concerns and they have been read into the record by a number of speakers.

Physiotherapists have been practising here for 100 years. The first Irish school of physiotherapy was founded in 1905. Physiotherapy is a full four-year honours degree course. The Irish Society of Chartered Physiotherapists has 2,000 members. Some 1,500 physiotherapists are employed by the Health Service Executive. Therefore, there are numerous physiotherapists and their organisation is influential.

The first letter we got from them was dated 28 June. Deputy Paul McGrath referred to that and more or less read their concerns into the record of the House, so I will not repeat them. Have the Minister and his officials studied their concerns and given any commitments to the Irish Society of Chartered Physiotherapists to the effect that in future physical therapists will be included in this Bill and that title would be protected? As a sportsman I have been in contact with a number of physiotherapists over the years and they are very professional. I have the highest regard for them. The fact that they spend four years studying the discipline of physiotherapy is significant. In one sense it is a broad area, but in another sense it can be very specific. I spoke to a young woman recently who is currently studying physiotherapy in the University of Limerick. She advised me that she has spent the whole year studying anatomy alone. That must be very intensive, and obviously these people have an in-depth knowledge of how the body works, and how it is affected by various treatments. Treatment is becoming more complicated as we know. Interferential therapy and ultrasonic treatment was introduced some years ago and there are other types of treatment that require deep medical knowledge. Otherwise damage could be done, especially where bones are concerned.

We have received a briefing from the Institute of Physical Therapy. I met a representative of the institute, whom I found to be very genuine. There are about 350 physical therapists in the country at the moment, although that figure varies. The Institute of Physical Therapy was established in 1989, unlike the Irish Society of Chartered Physiotherapists whose first school was established 100 years ago. The institute was established in 1989 to pioneer a course in physical therapy in Ireland. Physical therapy is a holistic natural approach to the prevention and treatment of musculo-skeletal conditions. It is worth pointing out that unlike the physiotherapists, the physical therapists utilise a range of gentle hands-on techniques, including stretching and mobilisation, that have proven to be safe and effective in the treatment of most muscular related disorders. The physiotherapists use interferential therapy, ultrasonic treatment and other means for treating injuries. Generally speaking, the physical therapists use their hands more and just work on muscles and tendons, without going any further.

The physiotherapists obviously give more advice as regards the internal workings of the body and how other parts of the body affect the muscular system as well. They have expertise in the area of diet and other disciplines, too. We have both of those disciplines at this stage.

It is worth noting that the Institute of Physical Therapy offers a three year course designed for mature students. It is probably on at weekends and of its nature this could be regarded as part-time. However, most of the people who come through the institute have degrees already. Most of them are graduates, I understand, based on the submission we received. They are also very professional. I have come into contact with a few physical therapists, most of whom work with inter-county teams and generally speaking, they are very professional. They would not work with inter-county teams if they were not. If nothing else, this Bill has highlighted the conflict between the physiotherapists, on the one hand, and the physical therapists on the other.

It is very important at this stage that the Minister should offer some view on the concerns of both professional bodies. Normally in the lead up
to a Bill we, as Deputies, are lobbied by various groups. However, the only people who have lobbied me are these two groups. It is important, therefore, that some clarity is given, based on the submissions of both of these groups, and it would be very helpful. It is more or less implied in the Bill that when people attend a certain therapist all the relevant documentation as regards qualifications, education and experience of the professional should be available. It is not just good enough to have letters after a person’s name. Each professional should have a curriculum vitae setting out qualifications and the body of which he or she is a member.

I welcome this Bill and the debate on it. One major issue of contention is the distinction between physiotherapists and physical therapists. I would like if the Minister could give the House a direction as to the future position of both these professional bodies.

Mr. S. Ryan: I welcome the opportunity to make a brief contribution on the Health and Social Care Professionals Bill 2004. It is long overdue and in that context it is appropriate that it is being debated in the House before the summer recess.

Before I forget or run out of time, I ask the Minister to respond to the following question, when he is summing up. In view of the fact that a BSc in podiatry is listed under the Third Schedule as the minimum qualification required for registration and there is no school of podiatry attached to any university in the State, is it proposed to establish such a school at one of the universities and will the call for tenders go out before the end of this year? The Minister will be aware that at present students must go to the University of Ulster at Jordanstown or to one of 12 universities providing the course in Britain. In the context of that being referred to in the Bill it is important that the Minister clarifies the situation as regards access to that professional qualification.

Few of us can disagree with the main objectives of the Bill to provide for the establishment of the health and social care professionals council as well as registration boards for certain health and social care professions. It also provides for the registration of persons qualifying to use the title of a designated profession and for determination of complaints relating to their fitness to practise, and related matters. How can these objectives be best realised, initially in this legislation and thereafter through its practical implementation? I am not convinced the Bill meets these objectives or addresses many of the outstanding issues.

On reading the Bill, I was struck first by its elaborate structure. It provides for at least 180 appointments to be made to various councils and committees. Who will make these appointments? According to the Bill, this task will fall, by and large, to the Minister for Health and Children. The notion of jobs for the boys and girls is the first thought to come to mind. Unfortunately, the record of such appointments over the years has been less than reassuring and this must be a concern for the public.

Section 4 designates the 12 professions provided for in the Bill. It is appropriate at this stage to refer not only to the objective of having high standards in the professions, to which we all aspire, but also to the level of service being provided — or not provided — to the public. Many of the designated professions, for example, chiropodists, occupational therapists, physiotherapists, social care workers, social workers and speech and language therapists, are vital to the community care service. In reality, however, the idea that community care is available is essentially a fallacy, particularly for older people. Surveys and reports have clearly shown that the vast majority of older people want to be cared for in their homes with minimum health service involvement. It is shameful that community care is totally inadequate and is not being delivered as envisaged.

The availability and willingness of family members to care for their elderly relatives make the major difference in terms of keeping elderly people at home. Notwithstanding its many promises, the Government has failed to adequately acknowledge the role of community carers. Any debate on health and social care must include an acknowledgement of their role. The Labour Party has put this issue at the top of its agenda and will continue to vigorously pursue it. If the Minister fails to deal effectively with carers, the Government will feel the wrath of voters at the next election.

The community care system must be developed to ensure older people receive the support they need and families providing care do not become isolated. Community care services are essential to achieving the aim of keeping at least 90% of people aged 75 years or over in their own homes. It is obvious to political representatives that insufficient finance has been provided to develop these services.

The key community care services urgently required for older people and their carers are domiciliary nursing, general practitioner and home help services, respite and day care centres, meals and transport services, paramedic services and several of the services specifically referred to in the Bill, including occupational therapy, physical therapy, chiropody, speech therapy and social work. It is a scandal that, at a time when health and social care services are being put on a statutory footing, the availability of such services is restricted in the community. For example, medical card holders are obliged to make a contribution towards the cost of chiropody. In addition, according to the most recent figures available to me, the home help service, which is essential if we are to ensure people are cared for at home rather than in acute beds in hospital, was cut back by 300,000 hours in 2003 as compared to 2002. Is it not a scandal that while medical card holders are being deprived of the home help service to
which they are entitled, Minister after Minister has been returning departmental moneys to the Department of Finance?

If we are to implement a comprehensive community care service that would reduce dependency on acute hospital beds, emphasis must be placed on the shortage of occupational therapists and chiropodists at Health Service Executive level. The delay in providing these services means costs of providing scarce services are being unfairly levied on medical card holders. Furthermore, we must address geographical variations in service levels, which a number of delegations visiting the Houses have described. Surely a basic, uniform service should be available throughout the country.

Representations received from the Irish Society of Chartered Physiotherapists and the Institute of Physical Therapy made particular reference to the protection of title. Time and again, Deputies have highlighted the case expressed in the position paper submitted by the Irish Society of Chartered Physiotherapists, which I have read.

It is also important, however, to place on record the views of members of the Institute of Physical Therapy. During my sporting days I suffered major back problems and often sought treatment from experienced physiotherapists, and I have always found them to be highly professional. I must also acknowledge that physical therapists, who treat clients from sporting and general backgrounds, have built up 350 practices throughout the country. Clients come from both sporting and general backgrounds and are largely referred by existing clients.

The Institute of Physical Therapy was established in 1989 to pioneer a course in physical therapy in Ireland. Physical therapy is a holistic, natural approach to the prevention and treatment of musculoskeletal conditions. The therapist uses a range of gentle techniques, including stretching and immobilisation that have proven to be safe and effective in the treatment of most muscle related disorders. These are natural, drug free treatments that are individually tailored, do not conflict with conventional medical treatment and are founded on the principle of health science. It is safe and effective in the treatment of back, muscular and joint problems. In the 15 years since the institute’s foundation, no physical therapist has faced a negligence claim.

The Institute of Physical Therapy offers a three year course designated for mature students. The professional association of practitioners, the Irish Association of Physical Therapists, was established in 1992 and regulates the profession in Ireland. Physical therapy presents itself at all professional association of practitioners, the Irish professional association of practitioners, the Irish

In its submission, the institute notes the Bacon report on the current and future supply and demand for physiotherapists forecasts a shortage projected to last until 2016. The report recommended the immediate recruitment of physical therapists into the public service to address this. Any restrictions on the work of physical therapists will exacerbate the current shortages for many years and the removal of 350 therapists would have a negative impact on a health service already unable to cope.

Both physiotherapists and physical therapists provide a service and we must ensure the public get the best possible service and have a choice of which they prefer and which will meet their needs. There is room for both professions to complement each other. They have worked together for the last 15 years and, irrespective of this Bill, they can coexist. The Minister can get it right in this Bill and I recommend that the Institute of Physical Therapy’s recommendations are taken on board. She should not remove them from practice, which would be a negative step. We can deal with this in detail on Committee Stage.

Page after page of the Bill refers to the establishment of committees and mechanisms to deal with complaints. The Bill does not make it clear, however, how a person would go about initiating a complaint against someone who has been negligent.

Caoimhghín Ó Caoláin: This Bill is welcome but long overdue. It has been recognised for some years that better regulation of a range of health and social care professions is necessary. It is essential for the professions themselves and will ensure that only those who are properly qualified and subject to statutory regulations are allowed to practise the various disciplines outlined in the Bill. The public needs this statutory protection and guidance to be confident that those from whom they receive treatment are fully competent and accountable within their respective professions.

Before addressing the Bill, it is appropriate to say something about the issues surrounding health and social care professionals in Ireland today. It must be recognised that care across a range of areas has improved, primarily as our knowledge has improved and led to a more detailed and specialised approach to all aspects of human health. This is welcome.

The issue of accessibility, however, to the skills, knowledge and care of these professions is central in our health and social services. Access to care for many citizens is very difficult and is often denied for two reasons.

Our two tier public and private health system means the higher a person’s income, the more likely he is to avail of the care provided by the professions listed in this Bill. The Bill covers those who work in the public and private sectors and the self-employed but the trend of our times, encouraged by the Tánaiste and Minister for Health and Children, is for more and more of these professions to be sucked into the private sector. At the same
time the public sector is starved of the professionals it desperately needs.

The second reason for the inequity in accessibility is due to the shortage of persons practising in many of these professions. This is clear to us across the range of services addressed in the Bill. One only has to look at the desperate need for more speech and language therapists to provide services for children with special educational needs. Not enough speech and language therapists are being trained. For some reason, young people are not choosing it as a career in sufficient numbers, yet the system is crying out for more therapists. There is also a shortage of radiographers which often prevents state-of-the-art hospital facilities from coming on stream. The planned roll-out by the autumn of 2007 of BreastCheck with its static centres in Galway and Cork and mobile units for the rest of the country will require a large intake of trained radiographers and others within the associated professions. Despite this, I do not believe this is achievable or that those positions required will be recruited from within the indigenous complement. As with many other areas of health care, BreastCheck will have to look overseas to fill some of these positions.

It would be interesting to conduct a survey of the professions covered in the Bill to assess the state of play of each regarding supply to learn whether numbers in the professions are inadequate. In areas where they were found to be inadequate, one would find the private system receiving a disproportionate number of those trained in those professions and the public system losing out once again.

A serious examination must be conducted into inequality in access to education. In wide sectors of society, young people do not aspire or have no expectation or possibility of ever being able to practice any of the professions covered in the Bill. We need to see greater activity on the part of the Department of Health and Children and the Government in informing second level schools to equip young people with the information to make informed career choices. I have no doubt many young people, owing to a variety of reasons, some of which I have alluded to, would never think of these real and live options for their career paths. As a result we are deprived of the talent of countless young people who could make an invaluable contribution to the health system.

One great disadvantage of the health system and a barrier to progress within it is the elitism among medical professionals. The former Minister for Health and Children, Deputy Martin, called the hospital consultants kings in their own domain. I absolutely agree. Without diminishing the central role played by consultants and the higher echelons of the health profession in the system and the work most of them do, it must be admitted that for decades they were subject to too little accountability and scrutiny. Only the very privileged minority secured contracts which hospital consultants still enjoy and which the Government has been attempting to renegotiate for years in an effort to ensure greater equity in hospital care for public patients. It appears the process is painfully slow.

To cite one instance, in the Neary case we saw the total inadequacy of the Medical Council as a regulatory body. For years the victims were ignored and when the council was finally forced to take action, its investigation also took years. The victims of this practitioner were vindicated but were alienated from the body supposedly in place to ensure public confidence in the medical profession. Sadly, they have yet to receive justice.

In his summing up, will the Minister of State explain where the medical profession fits into the picture? Where stands the promised medical practitioners Bill and the nursing Bill? These Bills are designed to provide for regulation in the same way as this Bill. Perhaps the Minister of State will elaborate on the promised Bills mirroring this one when Deputy Durkan has finished consulting him.

Mr. Durkan: I was advising him.

Mr. B. Lenihan: Gabh mo leithscéal. Táim ag éisteach.

Caoimhghín Ó Caoláin: No doubt it is good advice. To what extent has experience with existing and far from satisfactory regulatory bodies such as the Medical Council been taken into account? There is much experience to draw on and I am interested in what the Minister of State will say in this regard.

I will reserve a detailed consideration of the Bill, as we will have an opportunity to do so during subsequent Stages. The general framework is acceptable. However, my major reservation is that all appointees to the health and social care professionals council are to be ministerial choices. Sinn Féin Deputies have repeatedly raised this issue over many Bills. Once again it looms large in this Bill. The 25 members of the health and social care professionals council are all to be appointed by the Minister for Health and Children. The registration boards of the professions concerned will nominate 12 people. The nine to represent the interest of the public will be nominated by no one but the Minister for Health and Children.

It is interesting that the term “the consent of the Minister for Enterprise, Trade and Employment” has been added to this provision. Perhaps the Minister of State will explain that particular addendum. My own suspicion is that it is there because the view prevails in Government that people accessing professional health care are consumers of commercial services rather than citizens with rights to proper health services. Whatever the reason — I look forward to the explanation — the representation for the public is inadequate and should be changed. On Second Stage, I commend a revisitation of that proposed configuration to the Minister of State.
As other Deputies have noted in the course of this debate, I have also been lobbied by bodies representing physiotherapists and physical therapists, and clearly there is a dispute between them about the name and nature of their respective professions. From the material submitted by these groups, it is clear that there is a dispute about basic facts. Only yesterday, I received a further missive from the Irish Society of Chartered Physiotherapists. The dispute is about such critical issues as training and, indeed, the qualification of physical therapists. Perhaps this Bill is not the place to resolve this complex issue. The Bill reflects a recognition of both, which is meritorious, but clearly as there is a serious dispute, I suggest that the Department consider initiating discussions between the groups in pursuit of agreement on how they can work in harmony and for the public benefit. If at the end of that process this Bill requires amendment, in any way reflective of that engagement, let that be done.

Broadly, however, it is in the interests of both sets of professions and in the wider public interest that this disputation is put to rest. Some form of mediation is necessary and the Minister and the Department should consider what role they can play in helping the two sets of protagonists to come to a peaceful and harmonious conclusion to their dispute. I look forward to the opportunity to address some of the detail in later Stages of the debate.

Mr. Glennon: I also welcome this legislation. In a country where the provision of health care is such an important issue for the vast majority of its people, any legislation which deals with the provision of health care services is to be welcomed. By the nature of health care, it is essential that there is adequate regulation of the provision of services. I will not rehearse most of the arguments that have been made previously. I came to the Chamber specifically to deal with the issue to which I believe every speaker has referred in this debate thus far. Like other Members, I have received representations from both sides of the therapy issue, if one might so describe it. I felt that I should contribute to the debate as a user, at times a frequent user, as both patient and employer, of the services of both professions.

My experience of both professions has been extremely positive, both as patient and as employer. I am speaking of my experience in the sporting arena, particularly during the past 15 years, when I was heavily involved with professional athletes who had a day-to-day requirement for the services provided by both physiotherapists and what are referred to as physical therapists. In general, my experience has been that as with any profession, the vast majority are expert practitioners and a few are not so expert. Obviously, the forthcoming regulation will affect the not so expert end of either sector. However, my impression was that the crucial factor for any patient of either arm of the profession is the confidence of the patient in the professional administering the service, particularly in the area of sports injury, to which my experience is confined. The confidence of the athlete in the ability of the professional to rehabilitate the injury and get the athlete back into the sporting arena is the earliest possible opportunity a vital component in the choice by the patient of the type of treatment and the individual by whom they wished to be treated.

Unfortunately, sports injury and the recovery from such injuries are topical at present. However, the manner in which our attention has been focused on the issue in the past week by the unfortunate injury to Brian O'Driscoll in New Zealand tends to make us overlook the ordinary day-to-day bumps and bruises experienced and suffered by individual athletes in the daily practice of their craft and earning of their livelihoods. While such spectacular events receive wall-to-wall and angle-to-angle coverage across our television screens, for the athletes who train and engage in what by any standards is extremely rigorous physical activity, injury is part and parcel of their lives. It is an occupational hazard and the ability to recover quickly is a vital element of their day-to-day lives. In particular, the ability to recover more quickly than their opponents, or in this case the replacement, is vital. This ability can only be provided by a practitioner who is able to identify and treat the injury but also — this is particularly important — restore the individual's confidence that he or she is capable of returning to the arena and performing again to his or her maximum ability at the earliest possible opportunity. In my experience of both professions I found little if any difference. Probably the country's highest-profile practitioner in either craft in the sports area describes himself as a physical therapist. Jokingly he will describe himself as "therapist to the stars". I have no intention of mentioning names, which would breach confidentiality. However, the list of names represents a "who's who" across the Irish sporting spectrum, including footballers, hurlers, rugby players and athletes both male and female. They attend that practitioner because of their confidence in him to deliver the service and their confidence when returning to the sporting arena that they are not putting themselves at unnecessary risk of aggravating the injury and thereby putting themselves to even greater discomfort and risking reducing their earnings.

I understand from where the physiotherapists and the therapists are coming. In its letter dated 28 June, the Irish Society of Chartered Physiotherapists states:

This is why the ISCP is so passionate about protecting the titles of "physical therapist" and "physiotherapist" for those individuals who are eligible for membership of the ISCP and having completed a university degree course... The ISCP has no issue with those currently calling themselves "physical therapists" continuing to practise but the ISCP insists that if the public
are to be protected and confusion to be avoided anyone using the title “physical therapist” must change their title to something that is less similar to the title “physiotherapist”.

I agree with some of the earlier speakers who regard this as an unseemly spat between two groups of professionals. The first few paragraphs of the letter from the Irish Society of Chartered Physiotherapists does not do any service to the debate or to either group of professionals. Any efforts to try to bring the parties together to resolve matters would be worthwhile.

I believe a clear distinction exists and in due course that distinction would emerge in the eye of the public were the word “chartered” to be always used with the word “physiotherapist” resulting in a clear distinction between a “chartered physiotherapist” and a “physical therapist”. From my understanding of both submissions one of the major difficulties is in the similarity of the names “physiotherapist” and a “physical therapist”, particularly when they are spoken quickly. Using the word “chartered” would immediately remove the similarity and would draw a clear distinction between both. Its consideration is worth pursuing. It is somewhat ironic that the bottom of the letter from the Irish Society of Chartered Physiotherapists refers to that body being “Members of the World Confederation for Physical Therapy”. On the one hand it wants to draw the distinction between its members and physical therapists and on the other it is happy to be a member of the World Confederation for Physical Therapy. I am slightly confused.

The word “chartered” is clearly important to chartered physiotherapists as it denotes a degree of qualification, which members of the other profession do not have. It emphasises to professionals and lay people alike that being a chartered physiotherapist requires a particular qualification, only achieved consequent on passing examinations of a particular standard and having attended a course of study of a particular standard, which makes it clearly distinct from physical therapy. I hope some light shines on both bodies allowing them to come together and resolve the issue. The ongoing dispute between both bodies does no service to either.

Overall I welcome the Bill, which is very worthwhile. The provision of health care services is very dear to all in the House. The regulation of health care services is a natural consequence of their provision. Anything that improves the provision and regulation of health care is to be welcomed.

Mr. Stanton: I am pleased to have the opportunity to speak on this quite important legislation. At the outset I wish to declare a possible interest in that I am a counsellor. I am not sure how I would fit into the required qualifications for a psychologist, who according to the Bill should have “A recognised university degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject”.

The professions listed can have a major impact on the lives of ordinary people when they seek help. It is important that people should have confidence when seeking such help. I am very concerned that anybody can put his or her name on a plate and declare himself or herself a counsellor. We are talking about the areas of psychology, psychotherapy etc. Significant damage can be caused by going to a person who is not trained in the particular area. Often serious deep emotional issues can be brought to the surface. If the counsellor, psychotherapist or psychologist is not adequately trained to help, support and treat, considerable damage can be caused. I suggest that counselling be examined in this light.

Some podiatrists have brought to my attention their concern that the professional title of podiatry is not recognised in the Bill. They argue that this has been an accepted international term for many years. They seek to protect the public by enshrining continual professional development in the wording of the Bill. Those who have been in contact with me maintain that the Bill as drafted would result in the unsatisfactory position whereby a podiatrist could fail to practise for nearly five years and return to work without any retraining or update, or could be registered year after year without having to demonstrate any commitment to continual professional development. That could be the case in other areas and the Minister should examine it. They maintain that it is unacceptable and at variance with the Government claim to be developing a quality health service.

The professionals that wish to register are required to have a bachelor of science degree in podiatry. They maintain that it would be anomalous to maintain the title of chiropodist only. Both titles have been in use for over 20 years and this degree qualification succeeded the diploma since the early 1980s. They argued that the name of podiatry is not so well known in Ireland and this is because there is no school of podiatry in the country. Deputy Seán Ryan of the Labour Party already alluded to that. Those wishing to study podiatry do so at one of the universities in the UK. They put forward the argument that recent legislation in the UK has protected both titles and they claim that we risk losing Irish graduates in podiatry to the UK if the title of podiatry is not protected under Irish legislation.

Is it possible that persons could be registered in two professions? They claim that this does not pose a problem if persons have recognised qualifications in both. However, there is a possibility of registering persons via transitional arrangements in one profession while they have qualifications and are registered in another profession, such as An Bord Altranais and so on. They also state that the legislation should be amended to give assurances on competence. It is essential to keep up with current practice and recent evidence in health care. They claim that continuing pro-
fessional development is an essential element of clinical governance and should be enshrined in the Bill. They also state that continuing education is a quality issue and that the health strategy is undermined by the principles of quality and fairness.

Section six of the Bill deals with complaints. My reading of it is that the council cannot act unless it receives a complaint. I stand to be corrected, but it seems to me that the section is complaint driven. Irish people are slow to make complaints. We do not want the hassle and we let the issue go. Where medicine and the health professions are concerned, Irish people are slower to make complaints because they are afraid. A friend of mine called me this morning. His wife is in hospital, an operation went wrong and she is now seriously ill. He is very concerned about the quality of care she is receiving, but he does not know where to go because there is no mechanism to make a complaint. I suggest to the Minister of State that we allow feedback in all our hospitals. If one is in a hotel, one is given a feedback form to determine whether service was satisfactory. If patients leaving our hospitals were to do something similar, that could be taken on board. This legislation should also include provisions to allow for feedback.

It would also be useful if the Minister included some form of a whistleblower mechanism. If someone rings the council and makes an informal complaint, the council should send an inspector to the clinic involved. If it is not up to standard, the council could take action. Such a provision would be very useful and it should be in the Bill.

Some of these professions find it difficult to source clinical placements. I praise the Government for bringing forward 75 badly needed new places for occupational therapy. However, many occupational therapists cannot find clinical placement. The Government needs to make it easier for them, so that they can get the experience they require.

The objective of the council is to protect the public by promoting high standards of professional conduct and professional education, training and competence among the registrants of the designated professions. I welcome the fact that each of the designated professions will be represented on the council, along with representatives of the public, voluntary and third level sectors as well as the general public. Given that the initial council will have 12 members from the professions and 12 members from the other sectors, there will be a healthy balance within the council. Will this balance be affected when additional professions come into the registration system? How long will members of the council hold office? Can members be re-appointed? If so, for how many terms?

Part 7 makes it an offence to use the title of any registered practitioner unless entitled to do so. I welcome the protection for both the public and the registered professions. We possibly need to go further. People put advertisements in the newspapers claiming to improve health by providing this or that therapy. We need to control that and it is related to what is happening in the Bill.

We know of doctors who claim to be able to cure cancer. I know people whose children had cancer and who visited these doctors, who paid out huge sums of money, who got medication and physically suffered in getting this medication. At the end of it all, the child died. This has happened more than once. The State needs to step in and take hold of this situation. People at their most vulnerable will grasp at any straw. It is dreadful that people will raise the hopes of parents of children who are terminally ill and take advantage of their vulnerability knowing that it is pure quackery. The State has a duty to ensure that this does not happen in any of the professions. This Bill provides a statutory basis for protecting members of the public who may be very vulnerable against exploitation.

I note the Minister has retained the power to extend and add to the list of occupations in the Bill, which is welcome. I hope over time occupations which are not mentioned will be included. There will be an opportunity on Committee Stage when amendments are being discussed for Members to make suggestions to include other professions.

I welcome this important Bill. The wider issues involving complaints, especially in the context of hospitals, must be taken on board by the Government. It would help if a feedback mechanism were made available as people have nowhere to go at the moment. While I do not wish to cast aspersions on doctors and nurses who, in the main, work extremely hard under a great deal of pressure, if something goes wrong or a patient is dissatisfied, it would be useful for hospital management to have access to feedback to enable them to put matters right. A mechanism to address the gap would be an innovation for the Minister of State to take on board to make a name for himself. He is well known, of course, as it is.

I commend the Bill and wish the Minister good luck with it.

Mr. Durkan: I am glad to have the opportunity to say a few words on a Bill that is about setting clear standards for various professionals and ensuring that the description of a service relates in some measure to its quality. That is a theme I wish to develop following a point raised by Deputy Stanton on qualified professionals in the health service. It is vital to ensure that they are not only qualified but experienced enough when functioning in an emergency to provide the counselling or advice required by a vulnerable person or group of people. Professionals must be able to ensure that the way in which they handle a subject is the best possible. I am sure every Member can cite instances in which that has not happened, which is not a criticism of any profession but of...
the way in which professions have been integrated in the mainstream and of the in-service training they receive.

The list of designated professions, which I note is not yet complete, should be much more extensive than currently drafted. I do not know why the opportunity has not been taken to take that course of action. To take up another point raised by Deputy Stanton, we have all heard of a particular case involving a person practising alternative medicine. While I am not opposed to alternative medicine, which has a great deal of merit and needs to be supported, certain standards should prevail. That the integrity of the entire practice can be severely damaged by one or two cases in which the highest standards have not been applied became extremely obvious in the instance of a particular case which came to public notice. Deputy Stanton was correct to note that when a vulnerable person believes he or she has a serious illness and is informed that a person or group is capable of alleviating the problem and restoring the patient to full health, he or she will tend to pay again and again for a service.

It is of considerable importance, therefore, to provide for some degree of transparency and accountability in such circumstances. No consumer or patient should be left open to exploitation by any group, professional or otherwise, but the degree to which the Department can impose standards remains to be seen. It is obviously not happening to the extent that it should. I have great respect for those who practice alternative medicine having been a beneficiary of their activities from time to time. I would not be able to walk around as I do without the services of chiropractors. While many people have a deep suspicion of all alternative medicine practitioners, there are those who have a knowledge of anatomy, especially spinologists, which others do not specialise in. It is, therefore, important to ensure high standards and a quality end service. As with every profession, there will be some practitioners who are not as good as others and who are not perfectionists.

Mr. Stanton: They are not included in the Bill.

Mr. Durkan: I have noticed that too. To protect those who excel, every relevant profession should be included. Even if a profession is self-regulating, the relevant body will make some attempt to ensure the highest standards prevail as to do so is in their own interests. Alternative medicine practitioners offer good services that stand up to scrutiny, which is why cases such as the one referred to by Deputy Stanton require urgent action. The case in question should have been addressed before now. It should not be the case that the Minister or I can establish an alternative practice with as much credibility as certain people are currently doing.

There is a great need for speech therapists and other practitioners from among the designated professions. Anyone who deals with the boards of management of schools will readily attest to the shortage of speech therapists, special needs providers and psychologists, all of whose services are in great demand. While we do not have enough of them, we must ensure that those we have are good at their jobs. My experience with those with whom I have dealt is that they are good at their jobs and that they make a difference. More are required given the requirement to a greater extent than used to be the case for their services. While statistics are available which inform various theories, I do not know the underlying reason for the increased demand for services. These circumstances, however, require a response which meets the demands of quantity and quality. It is right, therefore, that the provisions of the Bill incorporate the professions providing services in this area.

Self-regulation is important to enable professionals to take responsibility for the actions of all members of their professions. Collective as well as individual responsibility tends to improve service quality. There must also, however, be an overarching regulator as a self-regulating body should not constitute the only supervisory authority for a profession. I presume the legislation will make provision in this respect as every regulatory authority needs a certain amount of supervision from time to time. All State institutions should set an example.

When I was a member of a health board I always tried to apply the same standards to the health board institutions that the health board purported to apply to others. Things have changed and I am afraid it does not always happen that way. I do not know what is the cause of that. I have a general idea that for some unknown reason as we progress further into the Celtic tiger infested forest, people no longer care and do not wish to take individual responsibility.

People no longer have the vocational commitment that existed 25 or 30 years ago. This can be measured by talking to older professionals in any profession, including those who come within the compass of the Bill. If one compares the degree of vocational commitment that existed when those people trained and got their first jobs, and the level of commitment evident today, there is a vast difference. It even relates to the professionals in this House. We must recognise that this is a fact of life.

There is a colossal difference, for example, in the degree to which volunteering takes place now compared with 25 or 30 years ago. Voluntary commitment in any area or profession is vastly different from what it was. The older professionals operated above and beyond the call of duty. I have reasons for citing that commitment which I do not particularly want to go into in this House. Many people protest when this matter is raised but it is a fact and we are all culpable when we examine the extent to which we are required to make sacrifices in the course of our jobs.

Let us look at how the standards apply. It is important that each profession applies the highest
possible standards. It follows that in the field of operation one professional will observe another and the degree to which the standards to which they all aspire are applied. If there is a weakness in any area, far from that weakness becoming the subject of a whistleblower, it will become the norm. The lowest common denominator becomes the standard.

I regret a development that sadly applies to the health area in particular, which is not a criticism of the Minister of State, Deputy Brian Lenihan. If a Member of this House asks a question about any aspect of the health service, it is to protect the Minister as much as to protect the members of the Opposition and the public, and if the answer is not forthcoming, there must be a reason. There are no circumstances in which the information sought should not be made available to the House. It makes no difference whether the Minister has direct responsibility for the matter, the Minister will ultimately be held responsible if a major scandal arises under the Ministers and Secretaries Act 1924, as was borne out in a recent speech made by a former civil servant. He correctly identified that the Minister is responsible, directly and indirectly, for everything that happens within his or her Department even though he or she may not have known what was happening.

I emphasise this issue because scarcely a day goes by without some circumstance coming to light where somebody is wronged and their rights are infringed upon because somebody somewhere would not answer a question or raise his or her voice. The media invariably blame the person who did nothing about it. The only people who can do something about this are the Members of this House and members of other parliaments throughout the world. If the answers are not forthcoming, it ultimately reflects on the person who did not provide the answer for one reason or other.

It has always been my view that there is a need for Ministers on taking office to call their senior civil servants together and explain to them that everything that happens within the ambit of the Department should be made known to the Minister forthwith, and that regular evaluations to this effect would be carried out and communicated to the Minister. That would protect Ministers, governments and those in opposition. More importantly, it would protect the public. If that approach is not taken, problems will arise.

I know that the Minister of State, Deputy Brian Lenihan, will agree with that principle. I have a different reason for saying it, not because I am in opposition, but because I believe it protects people in government as well as those in opposition. When criticism is made and there are valid grounds for it, the public blames the institutions as a whole. They do not distinguish between them. It may be good for those who are in government when the odium is equally applied to everybody and it may be good for the Opposition to say that the Government is to blame, however, ultimately it reflects on all of us if matters are not handled in the best possible manner.

Why has this ethos begun to develop? I believe we live in a time in which nobody ultimately wants to take responsibility, when everybody wants to shirk his or her responsibilities. People want to give good news when there is good news but to run like hell when there is anything else to be said. That is a sign of the times, and it goes hand in hand with the lack of vocational commitment to which I referred. I foresee great difficulties arising in future unless something is done about this because it does not matter who is in government or who is Taoiseach or Minister, ultimately, events will catch up with them as something will happen along the line that will emerge three, four or ten years later and when it does, it will reflect on all of us in this House.

Something was said to me recently in a different context about how to make the democratic process more efficient. I had to remind those concerned that democracy is not about efficiency, it is about transparency, accountability, the right of the people to elect those who represent them and the right of the public to ensure that those whom they elect to high office are ultimately accountable to them. One cannot do that on the cheap. It has to be done in the hard, old fashioned way. Alternatives to this have been tried in many countries. They were tried for 50 years in eastern European countries and they failed.

I wandered a bit from the area where I started — professionals — but my remarks relate to professional accountability and responsibility.

**Mr. B. Lenihan:** I never saw the Deputy wander less.

**Mr. Durkan:** Thank you. I never thought I wandered before, however, a certain amount of latitude is granted to people from time to time. I emphasise that individually and collectively we all have a role to play as individuals in this House. I see the means in this House of addressing some of the problems and that is a matter for us. We must have the guts to give hard answers to hard questions.

When I was a Minister of State, as Deputy Brian Lenihan is now, an official in the Department came to me one morning in a terrible panic because somebody had tabled a parliamentary question which he believed could be very embarrassing.

I looked at the question and did not consider it embarrassing. I had no difficulty answering that question. It was answered and was therefore done and dusted. There are those who believe a question is done and dusted if one does not answer it. It is not and that is the difference.

Let me refer to a number of professionals, some of whom are included, some of whom are not and others of whom do not need to be included. They all have a responsibility to maintain a high standard of service and integrity.
within their respective professions. They have done great work in times gone by and some, but not all, still do so. Unfortunately, those who dally and do not aspire to the highest standards result in everyone being branded as the same, as is the case in politics. This is the sad part but it is the way it is.

I was listening to Deputy Glennon who was perplexed by the degree to which two professionals can argue over a particular title. It should be possible for mature professionals to work out a solution that accommodates both their professions, unless the services they offer are identical, in which case there should be a means of differentiating between the two.

I support the principle in the Bill of introducing a list of professions, standards and what I hope will amount to accountability and transparency. I hope that as a result of the passage of the legislation, attention will be paid to a number of other areas that have been referred to in the course of the debate and which now urgently need attention.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputies on all sides for the broad welcome they have extended for this measure. I agree with Deputy Durkan that while we can put legislation in place to ensure a high standard in a given profession or occupation, the basic motivation and spirit must exist among members of that profession to observe the highest standards. His point was well made in that regard, especially in respect of the need for one to take responsibility for one's actions. It is often forgotten that the health and child care services often include many of the social services as well as the physical and mental health services. A vast number of employees are encompassed and no political head of a Department or public servant charged with administration on the permanent side in the Department can hope to implement policy without the wholehearted co-operation and taking of responsibility by everyone within the system.

Deputies raised the introduction of statutory registration for health professions over and above the 12 apostles outlined in the Bill. It is important to note that these 12 professions were selected because they are long-established providers of health and social care within the health service and, in most instances, have established experience of self-regulation. The qualifications of the majority of these professions are regulated within the public health service.

Environmental health officers were involved in consultations with the Department on the development of the proposals for statutory registration. They were to be covered by the system but, following discussion with the relevant union and professional body, the view was taken that as the majority of the work of environmental health officers involves monitoring compliance with legislation on food safety and environmental matters, the participation of their profession is not appropriate to this legislation at this point. However, there is a provision in the Bill whereby environmental health officers or other professionals can be brought into the statutory registration system. Deputies will find this provision in section 4.

The regulation of counsellors and psychotherapists in particular was raised by Deputies. I fully appreciate their concerns in this matter and am very aware that the provision of counselling and psychotherapy services to the public has increased over recent years. The former health board chief executive officer group had established a working group to examine the role of psychotherapy in the health service to assess the requirement for the future. The working group's report has been finalised and the next step will be for an action plan to be put in place for making progress on the issues, including issues regarding the development of an appropriate model of service. The outcome of this work will form an integral part of the formal process that would be required, as set out in the Bill, to determine whether statutory registration is warranted. An integral part of the legislation is that it will always enable the designation of further professions.

While welcoming the Bill for its contribution to enhanced regulation of conventional health care professions, Deputies also spoke of the need for better regulation of complementary therapists. These practitioners do not come under the provisions of the Bill. I agree that the regulation of these therapists is especially important bearing in mind the increasing number of people who have recourse to such practitioners. I agree with Deputy Durkan that recourse to these practitioners can have beneficial results. That said, the often informal nature of how some complementary therapies are practised requires more scrutiny. Greater controls in the complementary therapy area are also in the interest of all reputable practising therapists as the presence of some unscrupulous practitioners undermines the sector as well as presenting risks to those using the therapies.

A national working group on the regulation of complementary therapists was established in May 2003. It has met regularly and was expected to report by the end of this year. In light of the urgency attached to this matter, the Tánaiste asked that the work of the group be expedited. I understand the report will be finalised within the next few months. The approach to putting in place the most appropriate framework to regulate the activities of complementary therapists will be informed by the group's recommendations.

The issue of protection of title was raised by a number of Deputies. The position is that one title is protected for each profession under the legislation, with a provision that variants can be protected by regulation under section 95(3). This is in line with the legal advice available to the Department. It will clearly be an offence for an unregistered practitioner to use a protected title
Professional expertise, health sector knowledge and visions are designed to ensure the best balance of participation in the health and social care professionals council. The membership progresses to ensure that it deals comprehensively with the issue.

However, be kept under review as the Bill progresses to ensure that it deals comprehensively with the issue.

The Department has met the Irish Society of Chartered Physiotherapists and the Irish Association of Physical Therapists who train with the Institute of Physical Therapy and podiatrists have not yet been able to reach a unanimous decision on which title to protect under the primary legislation. The Department's position has been to encourage all stakeholders involved to develop an agreed solution to the issue of the protection of title and I hope the matter can be resolved.

The Bill also provides for the protection of the title “physiotherapist” for use by those professionals registered with the physiotherapists registration board. As Deputies are aware, the Irish Chartered Society of Physiotherapists is also seeking the protection of “physical therapist” for use by those professionals registered with the physiotherapists registration board. Several Deputies referred to this in the debate. The society considers both titles to be interchangeable in an international context and believes there is a risk of confusing the public if the title of “physical therapist” were not protected for use by physiotherapists. However, members of the Irish Association of Physical Therapists, who train with the Institute of Physical Therapy and who use the title in this country want to retain the title. There are complex legal, competition related and public interest issues involved in resolving this matter.

The Department has met the Irish Society of Chartered Physiotherapists and the Irish Association of Physical Therapists before and since the publication of the Bill with a view to encouraging both organisations to develop an agreed solution to the issue of the protection of title that takes account of the issues involved. I salute the great work of the officers in the Department who endeavour to conduct a number of peace processes in regard to these titles.

The question of registration of practitioners who do not hold national qualifications was raised during the debate. The Bill provides for the assessment of qualifications obtained within or outside the European Union. This matter will, however, be kept under review as the Bill progresses to ensure that it deals comprehensively with the issue.

Several Deputies referred to the composition of the health and social care professionals council and registration boards. The membership provisions are designed to ensure the best balance of professional expertise, health sector knowledge and public interest. There will be consultation on these appointments.

The effect of the inclusion of additional professions in the system on the number of council members is provided for in the Bill. It will therefore deal with an increase in the number of professionals, or any additional professions recognised.

The role of the Minister for Enterprise, Trade and Employment was mentioned in the context of the appointment of members to the council and boards. Several Deputies tried to see very far-reaching implications in that proposal. According to the old adage, all professions are in conspiracy against the public. The Minister took the view that it was not enough for the Minister for Health and Children to regulate the professions and that the Minister for Enterprise, Trade and Employment should also have a role in the matter. This is in the public interest, because the Minister for Enterprise, Trade and Employment must protect the public interest with regard to matters of competition. Professions often become anti-competitive and succeed in persuading the Department that it is supposed to regulate them in an anti-competitive manner. Therefore it is desirable, in a measure such as this, to have provision for the consent of the Minister for Enterprise, Trade and Employment. The Bill provides that members who are representative of the public interest be appointed by the Minister for Health and Children with the consent of the Minister for Enterprise, Trade and Employment.

The Bill’s provisions in regard to the constitution of the council, registration boards and disciplinary committees will facilitate openness and transparency and ensure that the right talents and experience are put at our disposal with regard to the regulation of these professions.

Concern was expressed about the need for consistency among the registration boards. The health and social care professionals council will have a coordinating role ensuring uniformity of procedures throughout the system. The chief executive officer of the council will act as registrar for the registration boards.

Deputies showed considerable interest in the provisions for dealing with complaints about persons on the register and expressed concern that health professionals might feel fearful of suffering adverse consequences in bringing a complaint against a colleague. The provisions of the Bill facilitate a fair, just and open process for bringing and dealing with complaints. I appreciate the concern that peer pressure may hinder a practitioner from making complaints. However, practitioners are aware of the need to act in the immediate interest of patients to protect patient safety and in the wider interest of their profession to ensure that it is not brought into disrepute by the behaviour or incompetence of a minority.

Deputies also referred to the provisions of section 61, which facilitate a situation where a registrant accepts admonishment or censure from a committee of inquiry following a complaint. A
committee of inquiry has particular powers under the proposed legislation and the health and social care professional council can apply to the High Court for an order directing a registration board to suspend the registration of a registrant against whom a complaint has been made if the council considers that the suspension is necessary to protect the public until further steps are taken with regard to the complaint.

The role of the representative bodies was also raised. Each of the professions designated under the Bill already has one major professional body, the role of which has been significant in the past and will remain so.

Deputies referred to the importance of the work of the national social work qualifications board. The continuity of the work and contribution of the NSWQB to professional development, education and training of the social work profession will be maintained and built upon in the legislation. Deputies mentioned university courses for chiropodists and podiatrists and the Department is examining the education of the profession with the Department of Education and Science.

With regard to a lack of student places and staff shortages, there have been significant advances in recent years in terms of increasing the number of students coming into the professions covered in the Bill. There has been a very clear increase in the numbers employed in the public health service. The medical profession is the subject of different legislation which is promised and will deal with some of the issues raised by the Deputies about medical practitioners and will deal with some of the issues raised by the Deputies about medical practitioners.

I thank Deputies for the attention and care they have given this legislation. If improvement is required on Committee Stage, the Tánaiste and I will be open to any reasonable suggestion.

Question put and agreed to.

Health and Social Care Professionals Bill 2004 [Seanad]: Referral to Select Committee.

Mr. B. Lenihan: I move: “That the Bill be referred to the Select Committee on Health and Children, in accordance with Standing Order 120(1) paragraph 1(a)(i) of the Orders of Reference of that committee.”

Question put and agreed to.

Land Bill 2004 [Seanad]: Second Stage (Resumed).

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

Mr. J. Brady: I welcome this long-awaited Bill. The Minister for Agriculture and Food brought forward this legislation to improve efficiency in the remaining operations of the former Land Commission and to fulfil a Government commitment in the Sustaining Progress agreement.

Under that agreement, the Government undertook to significantly reduce the burden of land purchase annuities on farmers. This Bill goes beyond that commitment by removing altogether the burden of annuities for more than 4,500 annuitants, some two thirds of all annuities payable at present. In addition, the Bill provides for the introduction of a generous buy-out scheme, reducing the redemption price by 25% for the remaining annuity if payments are up to date. The Bill also contains a number of control measures to ensure that the State is not exposed to financial loss in the event that annuitants fail to pay their annuities.

It is important that the Bill is successful and attracts the maximum number of farmers to participate. It is in the interest of the Government to ensure that the system of collection of land purchase annuities is resolved once and for all. I urge farming organisations to encourage their members to take up this offer. Once the Land Bill 2004 becomes law, those who do not take part in the buy-out offer will have to continue meeting their commitments as they have heretofore. One important difference is that the Department will have additional powers of recovery of arrears, such as seeking the off-setting of single payments due and garnishee orders. This will only become an issue following substantial consultation with the annuitant and after all attempts at genuine, voluntary payments have failed.

These are financial obligations and should be recognised as such by all annuitants. Valuable land was allocated to farmers and they must, in return, honour these debts. This reality is equivalent to the standard property mortgage most of us must pay. The Department has never charged interest on any of the outstanding arrears accumulated that have saved annuitants substantial amounts of money. All farmers have had the opportunity to avail of the 1993 scheme, but failed to do so. This Bill will effectively write off 4,500 annuities of less than €200 per acre, both capital and arrears, at a cost to the Exchequer of €3.9 million. If all remaining annuitants take up this second generous buy-out, the cost of the 25% discount to the Exchequer will be a further €4.7 million. I trust and hope the scheme being introduced will be successful.

I commend the Bill for its measures of simplifying the transfer of land held as trust set up by the Irish Land Commission. The Land Bill introduces significantly easier means for trustees of these properties to transfer the land to those who use it. There are 350 remaining property trusts, of which approximately 200 are used by local clubs for sports and games under the auspices of the GAA. Clear title to these properties will allow clubs and community organisations to develop the lands for community, recreation or sporting purposes. This measure, in particular, pleases me because I know the importance of local GAA and other sporting
clubs to the community and their influence in encouraging young boys and girls to be part of that community.

It is vital that such clubs are free to develop and grow with their communities. I am aware that many clubs are fearful of investing in long-term developments because of the uncertainty regarding the ownership of their grounds. This measure will assist the transfer of such properties into the hands of those who use the grounds. It will allow GAA clubs and other such organisations to take ownership of their grounds and remove their fears regarding the long-term ownership of the lands. The removal of any doubt about the future use of the land will encourage club development committees to pursue longer term aims and developments and will underpin the position of the clubs within the communities that they serve. Anything that allows clubs to grow and develop and enhances the community is worthy of strong support. I take this opportunity to acknowledge the hard work carried out by the dedicated trustees of these properties under whose stewardship the trusts have grown.

The transfer of cow parks no longer needed for their original purpose back to local communities is also very welcome. There is a very good example of this in my constituency where Athboy cow park is being developed for community use. In County Meath there are more trust properties than in any other county and this has been particularly beneficial to the GAA. At a time when many cow parks are being handed back, in particular to county councils, it must be acknowledged that some of them are not suitable for development for sporting activities. The Minister of State, Deputy Smith, knows my part of County Meath very well and he knows there is a large number of cow parks in the Oldcastle, Kells, Carlinstown, Nobber, Athboy, Rathmore and Bohernmeen areas. Some of them are suitable to be given back to county councils and many have already been given back. Where they can be used for the local communities, I accept that and am delighted to see it happen.

However, I have some concerns. Those of us who have served on county councils know from experience what might happen to these lands. If money is needed in some other area, I do not want to see a situation where county councils sell these parks on the open market to developers or big farmers. These cow parks were made available long before my time and as a child I remember when the local people had their cow and calf in these cow parks, to supply milk and butter for the family. I would not like to see the big tycoons of County Meath or any other county, acquiring these lands at the expense of the type of people they were provided for many years ago.

With the new guidelines introduced by the Minister for the Environment, Heritage and Local Government, Deputy Roche, I envisage the lands being made available in rural areas as sites for young couples at a reduced rate. I ask the Minister of State to consider that option. There are people who have emigrated whose fathers or grandfathers may have owned some of these plots in County Meath. Many of their ancestors originally came from the west and they were very welcome and they played a major role in our county. They also came from County Kerry, Deputy Deenihan’s county, and people like Colm O’Rourke came from Leitrim. Some great people migrated through the Land Commission. We have some great people from the Minister of State’s area who came to my area of County Meath, around Kilskeer, Crossakeel and Ballinlough. I would like to see their sons or daughters, who had to emigrate to America, England, Australia and Canada — in my youth, to go to Dublin was similar to emigrating — come back. If those people want to come back to County Meath and acquire a site under the new guidelines, it should be made available to them. However, I am anxious that a specific clause be inserted in the legislation relating to these cow plots that stipulates they cannot be sold on the open market. I plead with the Minister of State in this regard and I know, given where he comes from, he would have concern for such people. He must make sure the big tycoons cannot buy these lands because I would not like to see that happening.

We all know the paper mountain is one of the great challenges facing modern farming. I welcome the single payment system as it reduces the level of paperwork and I am delighted to see the Minister continuing to reduce the paperwork that farmers must complete. I particularly welcome the removal of section 12, which required the approval of the land commission and more recently, the Department, before subdivision of holdings could take place. For many farm families, giving a site to a family member who is not going the inherit the farm is considered the fairest family settlement. Currently, any such subdivision of more than one hectare requires the approval of the Department. While the original intention of this provision was to prevent fragmentation of farms, economics has now driven farming in such a direction that the provision of small sites for a house does not compromise the holding itself. Indeed, many young people in rural communities would find it very difficult to establish a family home without the aid of a site from their parents. Rural communities would be deprived of many young, talented people if such family arrangements were not established practice and many elderly farmers would not have family support and assistance in their old age.

Debate adjourned.

Message from Seanad.

An Leas-Cheann Comhairle: Seanad Éireann has passed the Garda Síochána Bill 2004, without amendment. Seanad Éireann has passed the Electoral Amendment Bill 2005, without amendment.
Adjournment Debate.

Services for People with Disabilities.

Mr. Deenihan: On Tuesday, 14 June 2005, the NAMHI parent representatives walked out of the consultative group meeting of the HSE southern region, which was held at Blackpool in Cork. There were several reasons for this protest but the catalyst was the presentation of the 2005 funding allocation to the HSE southern region for additional places in the intellectual disability sector. In spite of Government promises the allocation for additional residential respite and day care places is woefully inadequate to deal with the planned requirements as specified in the national intellectual disability database figures which are submitted to central Government. An example of the shortfall in County Kerry is the need for €4.4 million in 2005 between the three adult service providers and the fact that only €771,000 was allocated, a shortfall of almost €2.7 million.

According to the national intellectual disability database figures on the adult services in Cork and Kerry, 209 additional residential places are needed in 2005 and 38 places have been funded. An additional 334 respite places are needed and 15 places have been funded. The situation is totally unacceptable. For the past 12 months the NAMHI parent representatives have found it increasingly difficult to carry out their function to represent the parents of children and adults with an intellectual disability in the Cork and Kerry region. They were asked to make recommendations to the new HSE structures on the services required for the new five-year plan 2005-09. They spent considerable time and effort in doing so and in discussions at the various consultative group meetings.

They put forward the concerns, frustrations and anger of parents and suggested different and innovative ways of sourcing funding and providing for vital services. They found it difficult to obtain necessary information and statistics and have been very frustrated at the number of times they have had to ask the same questions at subsequent meetings without adequate response. The lack of clarity due to the changeover from the Southern Health Board to the HSE southern region has not helped matters.

The parents asked for a meeting with the regional planning committee to express their concerns but to date that committee has not agreed to meet them. The funding allocation presented to the parents on 14 June highlighted the total waste of their time in producing recommendations for service provisions. From the information available to the parents, the moneys requested by the agencies were first reduced by a value for money cut and then no consideration was given to the need for additional places as identified in the database.

The service development needs in the Kerry area for the 2005-09 period are generally as follows. Residential places for six people must be prioritised for immediate full-time residential care. Kerry parents and friends association proposes to establish a dedicated respite house as a priority. Demand for respite is increasing daily. St. John of God’s in Tralee has notified that it cannot take any more respite people for the foreseeable future. It is no longer acceptable nor practicable to provide respite for strangers in community houses that are often the full-time homes of many service users.

The need for day places for school leavers in 2005 should be provided in local community settings. The referral process for school leavers needs to be formalised with at least a two-year lead in. A consultant psychiatrist specialising in intellectual disability is required to be based in Kerry. Speech and language therapists, occupational therapists and physiotherapists are urgently required in both children’s and adult services in Kerry. The relocation of people with intellectual disabilities who were inappropriately placed in St. Finian’s Hospital, Killarney, is long overdue. Kerry parents and friends association has an urgent requirement for a special residential facility staffed by specialists in challenging behaviours, to cater long and short term for a small number of service users who present with challenging behaviours. Such behaviour cannot be addressed in community residences and is very disruptive to other residents.

It is very important that the parents’ representatives, given the urgency with which they view their circumstances, feel that energy and resources available to them should be spent in trying to unravel the emerging role of the HSE and the difficulties this brings as well as seeing where best to place their legitimate protest. They want an immediate meeting with the HSE southern planning committee to voice their concerns and to seek to agree an agenda in which the parents can approach the various HSE structures nationally and the various Departments charged with providing adequate service.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I thank Deputy Deenihan for raising this matter, which I will bring to the attention of the Minister of State, Deputy Tim O’Malley, with a view to an early meeting on the matter. It provides me with an opportunity to outline to the House the position regarding the additional funding provided for services for children and adults with disabilities in 2005.

In November 2004, the Government announced that disability and mental health services would be prioritised under the Estimates for new health initiatives in 2005. An additional sum of €40 million was to be allocated in 2005 to services for persons with intellectual disability and those with autism. This would form part of a five-year multi-annual budget for the sector. The
new funding would provide additional residential, respite and day places, improve specialist support services and meet costs associated with moving individuals to more appropriate placements.

In April 2005 a meeting took place between officials from the HSE southern area and NAMHI at which matters relating to intellectual disability services in the southern area, including service deficits in the Kerry area, were discussed.

In June 2005 the HSE southern area received notification of its allocation of over €6 million out of €40 million allocated to intellectual disability and autism services in 2005. Through a process of consultation with all service providers, parents and clients, funding was allocated in accordance with local priorities, in consultation with the regional planning committee for intellectual disability services.

At the consultative group meeting on 14 June which involved parents, nominees of service providers and HSE officials, the allocation of funding for 2005 was discussed but NAMHI left the meeting prior to discussion.

NAMHI has requested a meeting with the regional planning committee and this request will be brought to the next committee meeting which takes place in early autumn.

**Prisoners Overseas.**

Mr. Glennon: I wish to share time with Deputy Finian McGrath.

I thank the Leas-Cheann Comhairle for taking this matter on the Adjournment and I thank the Minister of State for his attendance.

Christy McGrath is a 28 year old jockey serving a 16-year sentence for murder at Gartree Prison in Leicestershire. This is the stark fact which bears repetition. In the not too distant past when I used to look on political proceedings from the spectator’s point of view, I always had a great regard for and took an interest in the activities of politicians who became involved in issues of miscarriage of justice, particularly in the UK. The names of Annie Maguire, the Guildford Four and the Birmingham Six are etched in the minds of people in Ireland who are politically motivated.

I take this opportunity to congratulate all those involved in the eventual delivery of justice for all concerned.

I believe that Christy McGrath is another name to be added to that unfortunate list. I am not saying categorically that there has been a miscarriage of justice, I do not believe anyone can say that without hearing all the evidence in a courtroom setting, but having read the papers and spoken to people interested in the case, I believe there are ample grounds for considerable doubt about the guilty decision made against Christy McGrath. I urge the Minister, everybody involved and everybody with a possible input to ensure that every effort is made at all levels to have a review of the case at the earliest opportunity.

We hear much about the special relationship between this nation and our neighbour but I do not know that we have such a relationship. It is cases like this one that will test whether we have one. I have no doubt that we have a unique relationship. We are unique in terms of our proximity — we are the closest neighbour either has — the entirety of northern part of this island and the fact that we share a language and are on the edge of Europe. Whether that relationship is healthy or special, it is cases like Christy McGrath’s that will test its quality.

If a person from another jurisdiction sought preferential treatment in our justice system, we would probably be quite negative about granting it. However, in light of the unique relationship between the islands, particularly the unprecedented level of political interaction that has taken place for some time, we should prove the healthy state of our relationship and expedite the processes involved in dealing with Christy McGrath’s case.

It would be remiss of me not only not to sympathise with Christy McGrath but his parents and family but also not to congratulate them on the manner in which they have dealt with the predicament that has been visited upon them. I also pay tribute to the 50 parliamentarians in Westminster and, as of today, a similar number in these Houses who are taking up the cudgels to ensure that justice will eventually be delivered to Christy McGrath at, I hope, the earliest possible opportunity.

Mr. F. McGrath: I thank the Leas-Cheann Comhairle for allowing me the opportunity to speak on this Adjournment matter. I strongly support what Deputy Glennon said. It is refreshing to see a former international rugby star support another sportsman, Christy McGrath. I am delighted to announce that up to 40 Deputies and Senators have indicated their support for this campaign and 50 MPs support the campaign to have Christy’s case reopened. I commend Senator Ó Murchú and my Independent colleague, Deputy Healy, for their work on this case.

Christy McGrath, a young jump jockey from Carrick-on-Suir, County Tipperary, was sentenced to life in prison for the murder of ex-football player, Gary Walton, in a Durham village in July 2000. Christy has denied repeatedly that he was responsible for Walton’s death. He is seeking immediate appeal against this unjust conviction.

On leaving a County Durham pub Christy McGrath was accosted, racially abused and assaulted by Gary Walton. Attempting to regain entrance to the pub, Christy was again attacked by Walton with a brick and was forced to defend himself. Walton was alive when Christy left the scene. Other men, two wearing balaclavas, are known to have approached Walton on the night after Christy left. One returned to the scene more than once. The body was found by police the following morning, Walton died of strangulation. He was strangled with such force that his neck and vertebrae were broken. Walton was over 6 ft tall...
and heavily built, Christy is more slightly built and a shorter man.

Throughout the course of their investigations, the police referred to Christy as “the Irish lad”. He had no motive to kill Gary Walton. Christy tried to avoid the fight by running back to the pub. Witnesses in Christy’s favour were never heard. One admitted washing blood-stained clothes while another stated seeing a murder by men in balaclavas. Police claimed they were unable to state the time of Gary Walton’s death. Christy only learnt that the victim had died of strangulation after he pleaded guilty in court.

Christy McGrath’s family and supporters are calling for the immediate referral of this case to the Court of Appeal. The investigation into the killing of Gary Walton should be reopened as a matter of urgency. The day before his trial for murder, Christy’s lawyer put pressure on him to change his earlier plea of “innocent” to one of “guilty” and that he would exonerate him and he remains adamant that if he got a retrial, he would be found innocent. Both have been experiencing the non-delivery of their pensions.

Mr. McGrath has engaged a well known firm of UK lawyers to advance his legal case and he hopes that it will be possible for an appeal to be lodged. I understand that his solicitor has indicated that she continues to seek grounds on which to lodge an appeal and—or to seek to have the case reopened. As the House will appreciate, Mr. McGrath’s legal representative is best placed to advise him on the options open to him to avail of appeal procedures in the British judicial system.

In October 2001, the former Minister for Foreign Affairs, Deputy Cowen, met Mr. McGrath’s family and supporters and assured them that the Department would continue to provide all appropriate consular assistance to Mr. McGrath and his family. The Department, through the Irish Embassy in London, continues to monitor the case closely and remains in contact with Mr. McGrath. A diplomatic officer from the embassy has visited him on six occasions. The most recent visit was on 23 June 2005. On 26 April 2005 the embassy also met representatives of the group campaigning for his release.

The embassy has also remained in contact with the prison authorities on Mr. McGrath’s behalf. He was initially detained in Holme House Prison in Stockton in England and, during his first consular prison visit, he asked for the embassy’s help in securing his transfer to the prison in Gartree as he felt it would more easily facilitate visits from his solicitor and family. He also indicated that he wished to be transferred as Holme House was near Durham where the murder occurred and he was concerned for his own safety and that of his family if he remained in prison in that area. Following representations from the embassy he was transferred to Gartree prison in June 2002.

Up to recently Mr. McGrath was working in the prison. He is now, however, recovering from surgery to his feet. He informed the embassy on the last visit that he has no complaints against the prison authorities.

So far, Mr. McGrath has declined to apply for a transfer under the European Convention on the Transfer of Sentenced Persons to serve out his sentence in a prison in Ireland. He remains determined not to do so until his innocence is recognised. Neither has he participated in any prison offenders’ courses for the exact same reason.

There is an independent body in Britain, the Criminal Cases Review Commission, which has the power to review and supervise investigations into possible miscarriages of justice. It is my understanding, however, that unless there are exceptional circumstances, the commission is not empowered to consider cases unless the normal court appeal system has been exhausted.

I assure the Deputies that the Department of Foreign Affairs, through the Irish Embassy, will continue to provide all possible consular assistance to Mr. McGrath.

Postal Services.

Mr. Broughan: In recent weeks I have received reports from throughout the country of people who have been experiencing the non-delivery of
mail for days and sometimes weeks on end. This lack of a proper postal service has been particularly bad in my constituency of Dublin North-East and in neighbouring constituencies in the estates of the Donahies and Clare Hall in particular. I have also received similar reports from throughout the country, including from Clare and Limerick. In one instance in my area, some residents were left without a postal delivery for more than a week and when they queried this, they were told to go down to the local sorting office and collect the post themselves. Another person was awaiting a P60 which was subsequently mislaid and this individual was also told to go to the local sorting office and retrieve the document.

On contacting An Post senior management about this unsatisfactory situation, I was told the reason for such lapses in mail delivery is that postal workers who are legitimately absent from work due to illness or annual holidays are not being replaced while out of work and in those instances post was simply not being delivered. I was also told that the long-standing embargo on the recruitment of temporary staff, which An Post has implemented over recent years, is continuing.

This is an astonishing and unacceptable state of affairs. An Post is mandated with a universal postal service obligation that guarantees every home and premises in the State with at least one delivery every weekday. That its senior management has placed a moratorium on temporary and holiday staff is insufficient reason for not fulfilling the universal postal obligation.

I raised this issue last week at a meeting of the Joint Committee on Communications, Marine and Natural Resources. It is a practice that An Post management cannot be allowed to continue. The universal postal service obligation is a cherished right of every citizen and must be discharged by the company. It is true that there have been difficult times in An Post, especially in 2002 and 2003. However, its annual report last year reported a profit of more than €7 million. The sale of major UK subsidiaries has realised something in the region of €85 million and there is also the projected sale of the SDS premises on the Naas Road. I understand that SDS is closing tomorrow, which is extremely regrettable and, I believe, unnecessary.

Much of the turnaround of An Post’s fortunes has been achieved by the sacrifices of its workforce which has not had a pay rise for the last two and a half years, unlike the Members and staff of the Oireachtas who received the increases due under Sustaining Progress. I am informed that a 5% increase is due this week, backdated from the beginning of this year, but this does not go anywhere towards relieving the real suffering of An Post workers. The most disgraceful aspect of all is the treatment of An Post pensioners. It is a continuing disgrace that the 8,000 former workers and their families who have given decades of service to the country have not received any increases over the past two and a half years.

Many of them, under the Postal and Telecommunications Services Act 1983, are former civil servants. The Government is in an illegal position in not ensuring they receive it.

It is a continuing disgrace that many postmasters throughout the country do not have a minimum wage nor do they receive support to computerise the 400 offices that need to be updated urgently. There is a range of issues which the Minister, Deputy Noel Dempsey, must address with An Post management to try to get the national postal service back to the standard we knew and loved for many years and to try to bring about a positive workforce. Many of the ideas that need to be implemented are included in the excellent document, An Post: A New Vision, recently published by An Post’s group of unions.

There is need for a new direction for the company. It should be undertaken in partnership with staff and management and led by the Minister. It should not be one where all the sacrifices are made by the postal workers, past and present, and more recently by householders and businesses that do not have their universal postal service. The Minister should give a lead on this, urgently. It is a matter I have raised many times in the House this session. He should give a lead to ensure we return to the type of postal services we always enjoyed, with a happy workforce and group of pensioners and with strong support for the local post office network.

Mr. C. Lenihan: I am replying on behalf of the Minister for Communications, Marine and Natural Resources, Deputy Dempsey. I wish to be helpful by outlining the state of the postal sector at this time. The sector has changed significantly in recent years as the European postal market has been liberalised and postal operators have moved from national to international markets. The postal market in Ireland and, primarily, An Post faces challenges such as increased competition which arises from the liberalisation of the market as well as falling mail volumes and competition from electronic substitution. As it operates in a more competitive market, An Post will need to offer high-quality postal products and services to consumers who, increasingly, will be able to choose from a range of postal providers. We can expect such a postal market in future.

As the full liberalisation of the sector by 2009 is a real possibility, An Post must prepare to ensure that it can continue to be a strong player in the Irish postal market. Already the parcels sector in Ireland is fully liberalised in line with the EU postal directive and this has led to major international players operating in the Irish market. An Post now holds only 25% of the parcels market in this country.

The implementation of full liberalisation by 2009 will, if achieved, open up the letter post area to full competition. The Commission is undertaking further studies on the impact of competition on the universal service requirement which is enshrined in EU and Irish law. The requirement
means that all addresses, both business and private, are entitled to deliveries at uniform tariffs with a guaranteed frequency. No decision has been taken yet at EU level on the future nature of the universal service obligation if the market is fully liberalised in 2009.

An Post is the designated universal service provider in Ireland and therefore the universal service obligation is a statutory requirement of the company. Furthermore, the European Communities (Postal Services) Regulations 2002 set out the area of the postal market solely reserved for An Post to allow the company to fulfil its universal service obligations. These exclusive rights for the delivery of certain services are deemed necessary to ensure the maintenance of the universal service.

There is agreement that change is required if the postal services of An Post are to adapt to the modern business environment and to continue to offer a top class countrywide delivery service to the customer into the future. To progress the change agenda, an exhaustive process of negotiations between An Post management and trade unions, with the assistance of the State’s industrial relations machinery, has been ongoing for some time. An Post unions and management have been involved in intensive negotiations under the auspices of the Labour Relations Commission, LRC, in a bid to agree a recovery plan that will put the company on a sound footing.

The LRC appointed assessors to draw up a report on whether the company was right to invoke the inability to pay clause of the Sustaining Progress agreement. The assessors’ report, presented to the LRC and An Post on 2 June this year, concludes that An Post is in a position to pay a 5% payment under Sustaining Progress. It is my understanding, however, that the assessors’ report finds that An Post cannot afford any further elements of Sustaining Progress or the mid-term review of the national wage agreement other than in the context of securing finalisation on rationalisation and restructuring requirements.

I understand that An Post intends to pay the recommended 5% increase, back-dated to 1 January 2005, to its employees by the end of this month. However, An Post unions are in disagreement with the findings of the report and the matter will be referred to the Labour Court.

A real solution to the outstanding difficulties in An Post is for all stakeholders to agree on and implement a viable recovery plan which will enable An Post to deliver quality services to our citizens, while at the same time providing sustainable well-paid employment for its staff. I thank the Deputy for raising this matter.

Decentralisation Programme.

Mr. D. Moynihan: I thank the Ceann Comhairle for allowing me to raise this important matter and I express appreciation to the Minister of State at the Department of Agriculture and Food, Deputy Smith, for coming into the House to address it.

The Government decided on a major decentralisation programme in the first week of December 2003. My concern is that since that time, little enough in practical terms has happened in various locations throughout the country, particularly in Macroom where I live and which I represent. However, we have had a number of reports in the meantime from the decentralisation implementation group. There was a report in March last year, a second one in July and a further report in September. In addition, the decentralisation implementation group published a report on 24 November 2004 and I have been informed that the group will report again. We were to receive this report in spring this year and I understand it will be published shortly. Macroom did not come to the fore in the previous reports and it was a matter of great disappointment to me and to the people of Macroom that it was way down the list as regards progress with decentralisation.

Macroom was not included in the first 15 projects to be relocated and it is of utmost importance that it be included in the next report. I thank the Minister for Agriculture and Food, Deputy Coughlan, and the Minister of State, Deputy Brendan Smith, for keeping me updated that the accommodation brief in respect of the new laboratories in Macroom is being finalised as a matter of urgency within the Department and that when finalised, the brief will be passed to the Office of Public Works. The Office of Public Works was given primary responsibility for delivering the property aspects of the decentralisation programme. Great urgency is attached to this matter because the site on which the laboratories stand on the Model Farm Road is earmarked for housing. For this reason, the laboratories earmarked for Macroom will have to be urgently relocated.

The relocation of the laboratories from the Model Farm Road provides the Department with an ideal opportunity to consolidate its laboratory operations in the southern region, encompassing three laboratories in Cork and two in Limerick. I am pleased Macroom will become the regional veterinary headquarters for the Munster region.

What progress has the Office of Public Works made in acquiring a suitable site or property? If a suitable site or property has been earmarked, when can we expect accommodation to be available for Department staff who have volunteered to decentralise? When will work commence on the programme to provide these facilities in Macroom?

What progress has the Office of Public Works made in acquiring a suitable site or property? If a suitable site or property has been earmarked, when can we expect accommodation to be available for Department staff who have volunteered to decentralise? When will work commence on the programme to provide these facilities in Macroom?

The employment which will be created in Macroom as a result of decentralisation is urgently needed in the area. The closure in 2000 of GSI, a labour intensive components factory, turned Macroom into an employment blackspot and decentralisation is badly needed to boost the economy of the town.
Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I thank Deputy Donal Moynihan for raising this important issue. As he stated, the Minister for Finance announced the decentralisation of 10,300 public service staff to 53 centres in 25 counties, including eight Department headquarters, in budget 2003.

The overall decentralisation plan for the Department of Agriculture and Food provides for the relocation of 600 staff, including 200 information technology staff, from Dublin to Portlaoise; the Department’s staff in Cork city and Mallow offices to Fermoy, involving approximately 100 staff; the Department’s staff in three Cork laboratories and two Limerick laboratories to Macroom, which currently employ some 100 staff; and 69 staff of Bord Bia to Enniscorthy.

The Cork laboratories to be decentralised are a dairy science laboratory, a veterinary research laboratory and the brucellosis laboratory, all of which are located on the Model Farm Road in Cork. As the Deputy will be aware, my Department has agreed to give the land at Model Farm Road, Cork, amounting to approximately ten acres, to the affordable housing initiative. The Limerick laboratories being decentralised are also a dairy science laboratory and a veterinary research laboratory. In addition to the site on Model Farm Road, the relocation to Macroom will free up the sites of the existing dairy science and veterinary research laboratories in Limerick, comprising approximately one acre at Killkeely Road and Knockalisheen.

The accommodation brief of requirements for the office complex in Portlaoise has been prepared and forwarded to the Office of Public Works. The accommodation brief for the Macroom laboratories is being finalised in my Department and will be sent to the Office of Public Works shortly. The brief will outline the Department’s requirements for office staff, laboratories, visitor areas and general service areas for the new laboratory complex. Bringing together these laboratories into one complex in Macroom will enable the Department to introduce a level of rationalisation which will lead to improved operational efficiencies.

The timeframe for the selection of the site or property and the completion of the development will be a matter for the Office of Public Works which will submit an application for planning permission in due course. The decentralisation implementation group report published on 24 November 2004 provides for 400 posts from my Department to be relocated in the first phase of moves to new Department offices in Portlaoise. It was subsequently announced that 200 information technology posts would also decentralise. This would bring total staff numbers in Portlaoise to approximately 850.

The moves to Fermoy and Macroom were not included in the first phase. A further report from the decentralisation implementation group is due to issue shortly dealing with other locations. Based on figures released from the central applications facility in September 2004, 91 people have expressed an interest in relocating to Macroom. This number comprises 45 people from within the Department, 41 from other Departments and five from the public service. As yet, however, there is a significant shortfall in Department of Agriculture and Food specialist staff volunteering for Macroom where many of the posts are professional and technical in nature.

I thank Deputy Donal Moynihan for raising this important issue. The Deputy has worked extremely hard to outline and highlight the advantages of including his constituency of Cork North-West in the Government’s major decentralisation programme. I hope my reply outlines the up-to-date position regarding progress made to date.

The Dáil adjourned at 8.10 p.m. until 10.30 a.m. on Friday, 1 July 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 6, inclusive, answered orally.

Social Welfare Benefits.

7. Dr. Upton asked the Minister for Social and Family Affairs if he has plans to address the apparent anomaly whereby those in receipt of the non-contributory pension who save a portion of their pension subsequently exceed the means threshold; if he will state the number of persons this affects; if he plans to rectify this situation; and if he will make a statement on the matter.

Minister for Social and Family Affairs (Mr. Brennan): In assessing means for social assistance purposes account is taken of any cash income the person may have, together with the value of capital and property, except the person’s home. The source of any capital held by a pensioner can and does 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 a particular source.

Capital is assessed by reference to a formula laid down in legislation. The initial amount of capital is disregarded before means are assessed. From June 2005, this disregard is increased to €20,000 from approximately €12,700 which applied from October 2000. This means that from the beginning of this month, a pensioner with no other means can have capital of up to €28,000 and still receive a pension at the maximum rate. This figure is doubled in the case of a couple.

The enhanced disregard applies to all capital regardless of where it is held, be it in an SSIA, a credit union, with An Post or any other account with a bank or other financial institution or regardless of the initial source of the capital. The new arrangements for capital assessment which I have introduced are designed to ensure that social welfare means testing arrangements do not act as a disincentive to claimants to become savers or penalise those who have been regular savers in the past. I believe that this is a better approach to this issue than to attempt to distinguish different types of capital and apply different rules to them.

While most pensioners spend all or a sizeable portion of their pension each week in meeting their normal living expenses, some pensioners, however, may choose to save part of their pension. However, such savings which are identified must be treated in the same manner as savings from any other source.

Tax and Social Welfare Codes.

8. Mr. Deasy asked the Minister for Social and Family Affairs if he has ever had any discussions with the Department of Finance regarding the granting of the family income supplement through the tax system; and if he will make a statement on the matter. [22892/05]

Minister for Social and Family Affairs (Mr. Brennan): Family income supplement is designed to provide cash support for employees on low earnings with families. This preserves the incentive to remain in employment in circumstances where the employee might otherwise only be marginally better off than if he or she were claiming other social welfare payments.

Improvements to the family income supplement scheme, including the assessment of FIS on the basis of net rather than gross income and the progressive increases in the income limits, have made it easier for lower income households to qualify under the scheme. Payment of FIS through the tax system has been considered by a working group including the social partners, the remit of which was to examine the role which refundable tax credits could play in the tax and welfare system. While the report of the group has not been finalised, it is expected that it will recommend that FIS continue to be paid by my Department, with a modified system of delivery and sustained efforts to improve take up.

One of the issues underlying the establishment of the group was a perception that the take up of the FIS scheme was low, that it was not reaching intended beneficiaries to the extent that it might and that payment through the tax and payroll systems might help in that regard. The take up of the scheme peaked at about 14,700 at the end of 1999 but subsequently declined to 11,700 at end September 2002. However, the examination undertaken suggested that some of the perceived disadvantages for eligible persons under the existing system, for example, the need to make an application to a State agency, could apply equally to FIS paid through the tax and payroll systems.

The examination also suggested that it would probably not be feasible to introduce a system whereby FIS would be paid automatically to eligible persons through the tax and payroll systems and that there would be considerable complexities involved in such a scheme for employers and for the Revenue Commissioners.

Since 2002, the numbers availing of the scheme have risen significantly. Average annual numbers of claimants for the years 2002 to 2004 are 11,716, 12,303 and 13,508, respectively. In the week ending 17 June 2005, there were 15,513 claimants. This represents an increase of 29% on the December 2002 figure of 12,043. The improved take up may be due to a number of factors, including generous increases in FIS income thresholds over successive budgets, an increase in the
minimum weekly FIS payment to €20, expansion of the economy and greater flexibility in working arrangements.

The National Economic and Social Council have been commissioned to examine the effectiveness of replacing family income supplement and child dependant allowance with a second tier income support payment targeted specifically at addressing the issue of child poverty. It is expected that this report will be completed later this year.

**Social Welfare Code.**

9. Mr. Gogarty asked the Minister for Social and Family Affairs if it is his Department’s policy to pursue unmarried mothers to bring the father of their children to court with the threat that, if they do not, they will lose their entitlement to the rent allowance. [23039/05]

Minister for Social and Family Affairs (Mr. Brennan): It is a statutory condition of eligibility for one-parent family payment from my Department that applicants are required to make ongoing efforts to seek adequate maintenance from their former spouses or, in the case of unmarried applicants, the other parent of their child. Such maintenance is usually obtained by way of negotiation or by court order. In this regard, I am pleased to note that separated couples are increasingly using my Department’s family mediation service which is being progressively extended countrywide.

Since 2001, one-parent family payment claimants are allowed to retain 50% of any maintenance received without reduction in their one-parent family payment, as a further incentive to seek support themselves. There are also disregards where such maintenance is paid in respect of rent or mortgage interest on the lone parent family home. Where social welfare support is being provided to a one-parent family, the other parent is liable under the legislation to contribute an appropriate amount regularly to the Department towards the cost of this payment.

In every case where a one-parent family payment is awarded, the maintenance recovery unit of my Department seeks to trace the liable relative involved to ascertain whether s/he is in a financial position to contribute towards the cost of one-parent family payment. This follow up activity normally takes place within two to three weeks of award of payment. All liable relatives assessed with maintenance liability are notified by the Department and issued with a determination order setting out the amount of contribution assessed. The amount assessed can be reviewed where there is new information about, or changes in, the financial or household circumstances of a liable relative. The Department requires regular payment of the contributions assessed in this way, usually weekly.

Rent supplement entitlement is a separate matter and does not have any bearing on my Department’s work in the maintenance recovery process. The supplementary welfare allowance scheme provides for the payment of a weekly or monthly supplement in respect of rent to eligible people whose means are insufficient to meet their accommodation needs and who do not have accommodation available to them from any alternative source.

Supplementary welfare allowance is subject to a means test. In this regard all income, whether in cash or in kind, must be taken into account in determining the amount of assistance payable in each particular case. It is also a condition of eligibility that applicants apply also for any statutory benefits or take appropriate action to seek other income, including maintenance payments, to which they may be entitled.

In assessing or reviewing entitlement to rent supplement, the Health Service Executive may, depending on the circumstances of a particular case, request a person to seek maintenance from the other parent of their child. In cases where maintenance is being paid, the Health Service Executive may request that additional maintenance be sought if they consider that it is reasonable to do so having regard to the other parent’s income. If there is some extenuating reason why the rent supplement recipient does not wish to comply with this request, it is open to them to discuss that situation with the community welfare officer.

It is not the practice within the community welfare service to threaten lone parents with loss of their rent supplement if they do not to bring the father of their children to court for maintenance. However, there are instances where withdrawal or rejection of a rent supplement claim occurs because the failure or refusal by the person concerned to comply with the executive’s request is unreasonable in the particular circumstances of the case. Where parents are in a position to make provision for their children, it would be inappropriate for the State to facilitate them in evading their responsibilities in that regard.

It is standard practice in the community welfare service, in instances where a payment under the supplementary welfare allowance scheme is to be withdrawn, that applicants are notified in writing, giving notice of the intention to withdraw the payment and outlining the reason for the action. In all instances of refusal or withdrawal of rent supplement, the applicant has the right of appeal. In the first instance an appeal can be determined by an appeals officer in the relevant regional area of the executive. If the applicant is dissatisfied with the outcome of this initial appeal he or she can request that the case be forwarded to the social welfare appeals office for further independent adjudication.

**Pension Provisions.**

10. Mr. Coveney asked the Minister for Social and Family Affairs the details of the consultants his Department employed to conduct a marketing campaign to persuade more persons to take out...
PRSAs; when this campaign was launched and when it concluded or will conclude; the total cost of this campaign; the success of this campaign in terms of the number of new PRSAs opened and as a percentage increase; and if he will make a statement on the matter. [22932/05]

Minister for Social and Family Affairs (Mr. Brennan): In its report “Securing Retirement Income”, published in May 1998, the Pensions Board recommended that the Government should, as part of the overall pensions strategy, run a pension awareness campaign. The campaign was initially launched in 2003 to coincide with the implementation of the Pensions (Amendment) Act 2002 which encompassed many of the recommendations of “Securing Retirement Income”, including personal retirement savings accounts or PRSAs. The Pensions Board runs the campaign on behalf of my Department.

The focus of the campaign is to raise awareness about pensions issues with a view to improving overall pensions coverage. A secondary objective is to ensure that those with pensions coverage are making adequate contributions to ensure a satisfactory income in retirement. While PRSAs are an important part of the overall pensions strategy, the awareness campaign is not focused exclusively on these but rather on pensions provision in general, including occupational schemes and other types of personal pensions provision.

A total of €500,000 was allocated to the campaign each year since 2003 to fund Pensions Board administration costs, media delivery costs, production costs and management fees. The board also intensified some of its normal communication and information work to support the campaign. The board has engaged a number of consultants over the three years to assist with the planning and delivery of the campaign, including Financial Dynamics, Owens DDB and Q4 Public Relations Consultants.

The campaign involves an integrated advertising and public relations programme using TV, radio, newspapers, on-line facilities, posters and direct mail. Special promotions have also been built around occasions such as the Ploughing Championships. The main event for this year’s campaign was held in May, when the Pensions Board ran a successful pensions action week in co-operation with pension providers. Further PR opportunities are being considered for the rest of the year.

Since their introduction in 2003, some 51,000 personal retirement savings accounts have been opened. Pensions coverage in general has shown a marginal improvement over the last couple of years to 52.4% of the working population while in the key target group, those aged 30 years and over, coverage has reached 59.1%. In terms of pensions awareness, the campaign has been successful in bringing the pensions message to the general public. Consumer awareness research audits show a positive increase in pensions and PRSA awareness from 60% at the end of 2003 to over 70% at the end of last year.

In terms of the future of the campaign, I have asked the Pensions Board to review our overall pensions strategy and I expect to receive a full report on the current position and the possible options for the future in September. Public awareness will be an important element of any new planned initiative. I am also conscious of the opportunities which the maturing of SSIs next year offer in the context of kick starting pension provision for many people. I will look at a continuation of the campaign in that context.

Social Welfare Benefits.

11. Mr. Kehoe asked the Minister for Social and Family Affairs the number of persons in receipt of the rent supplement who have children; and if he will make a statement on the matter. [22903/05]

59. Mr. Hogan asked the Minister for Social and Family Affairs the number of persons receiving the rent supplement for 18 months or more who have been passed on to a local authority for a housing assessment; and if he will make a statement on the matter. [22901/05]

60. Mr. Hogan asked the Minister for Social and Family Affairs the number of persons who were in receipt of the rent supplement for 18 months or more who were passed on to the local authority for a housing assessment and who have had their housing needs met; and if he will make a statement on the matter. [22902/05]

68. Mr. Hayes asked the Minister for Social and Family Affairs the progress which has been made on the long-term initiative for rent supplement tenants; and if he will make a statement on the matter. [22899/05]

71. Ms C. Murphy asked the Minister for Social and Family Affairs the arrangements being put in place to guarantee funding to local authorities which secure long leases on rental properties beyond the three year transition programme of the RAS scheme; and if he will make a statement on the matter. [22934/05]

72. Mr. Hayes asked the Minister for Social and Family Affairs the number of persons who have been availing of the rent supplement for 18 months or more; and if he will make a statement on the matter. [22900/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 11, 59, 60, 68, 71 and 72 together.

The supplementary welfare allowance scheme is administered on my behalf by the community welfare division of the Health Service Executive. It provides for the payment of a weekly or monthly rent or mortgage interest supplement to assist eligible people who are unable to meet their immediate accommodation needs through their own resources. As of 24 June last, there were 58,015 households in receipt of assistance under the rent supplement scheme. Just over half of
these, almost 30,000 tenants, have been on the scheme for 18 months or more.

The scheme involves payment in respect of the household in aggregate, without specific additions for adult or child dependants. For this reason, the computer systems used to record rent supplement claims and generate payments does not contain family composition data and, as a result, a detailed breakdown of cases where there are children involved is not readily available. However, my Department has carried out a sample survey of claims which indicates that almost 30,000 rent supplement households have children. There are more than 50,000 children living in households where rent supplement is in payment.

A significant number of people had come to rely on rent supplements on a long-term basis over recent years. The Government announced a new initiative in July 2004 aimed at meeting the long-term housing needs of these people. The new system gives local authorities responsibility for meeting long-term housing assistance needs, including the needs of those people on rent supplements for 18 months or longer. These needs will be met through a range of approaches, including the traditional range of social housing options, the voluntary housing sector and, in particular, a new public private partnership type rental accommodation scheme. A total of €19 million has been transferred from my Department’s Vote to the Department of the Environment, Heritage and Local Government Vote this year to help finance this initiative.

The amount to be transferred in 2006-08 will be considered in the light of the emerging experience of this year’s implementation. The amount to be transferred in any one year will depend on the rate at which people move to the new housing arrangements. In overall terms the amount to be transferred will certainly exceed €120 million in aggregate when the new arrangements are fully operational. The funding of the rental accommodation scheme after the three year transition period will be a matter for my colleagues, the Minister for the Environment, Heritage and Local Government and the Minister for Finance.

The new arrangements are currently being implemented in seven local authorities. These are Dublin, Galway and Limerick City Councils and South Dublin County Council, which encompass the most extensive urban areas in the State, Drogheda Town Council, Donegal County Council and counties Offaly and Westmeath. The new arrangements will be initiated in all local authority areas by the end of 2005.

The Department of the Environment, Heritage and Local Government has appointed programme managers to assist the seven lead authorities with the implementation of the new arrangements. Thereafter, these managers will be available to support other authorities over the implementation period. Implementation groups in the seven areas have been established to ensure effective ongoing liaison and co-operation locally between housing authorities, Health Service Executive areas and other agencies.

The Department has indicated that the lead local authorities are on target to transfer the first eligible rent supplement recipients to the rental accommodation scheme within the next few weeks. The aim of the new system is to minimise ongoing dependence on rent supplement by progressing to a situation where suitable long-term accommodation is available for all who need it. The rent supplement scheme will continue to provide support to those who have short-term housing needs.

This will be achieved within a period of three years from commencement of the new arrangements in each local authority and in any event no later than September 2008. The scheme will involve structured arrangements to secure long-term availability of privately rented accommodation, particularly accommodation currently occupied by tenants in receipt of rent supplement under the supplementary welfare allowance scheme, and to encourage the supply of additional accommodation.

Overall, the new rental assistance arrangements represent a major step forward in supporting people with long-term housing needs. All of the relevant agencies are co-operating actively to make the system work successfully. The supplementary welfare allowance rent supplement scheme continues to be available to provide short-term income support for people who are unable to meet their immediate accommodation needs.

Services for People with Disabilities.

12. Mr. McEntee asked the Minister for Social and Family Affairs the details of the facilitator network; when this network was set up; the number of persons with a disability it has assisted each year since its establishment; and if he will make a statement on the matter. [22930/05]

Minister for Social and Family Affairs (Mr. Brennan): The jobs facilitation programme was originally established with Government approval in July 1993. Currently, 46 facilitators are supported by ten regional co-ordinators and operate in 34 locations around the country. In April 2004, the jobs facilitation and family support programmes of my Department merged to form the social and family support services, SFSS. This was done to enable the resources at my Department’s disposal be utilised in the most effective and efficient manner to assist the most marginalised citizens, including those with disabilities and their families. It was also intended to encourage economic activation amongst those most distanced from the labour market. Job facilitators and family service project officers were renamed facilitators at that time and now operate within a single streamlined network.

The numbers of persons with a disability assisted onto a progression path by the facilitation network since its introduction are not
available. In general terms however, the majority of customers taking up the back to work or back to education options do so with the help and encouragement of their local facilitator. Some 7,000 people transferred from a disability payment to one of my Department’s support options during the years 2001 to 2004, inclusive.

In addition to the measures I have already mentioned, my Department operates the special projects fund administered by facilitators, which provides enhanced supports to people, including the long-term ill and people with disabilities, who need additional help to progress to further training and employment. In 2004, 23 special projects catered for people with disabilities at a cost of over €500,000.

As well as the special projects fund, facilitators have access to a separate stream of funding under the national development plan. The aim of these projects is to encourage family members of customers with disabilities to participate in self development programmes or, in some instances, in “taster” educational programmes. It is hoped that the people involved will move on to more formalised training and educational programmes. In 2004, six projects catered for people with disabilities and their families at a cost of about €66,000.

Disability benefit and invalidity pension customers may, in certain circumstances, be allowed to work for therapeutic or rehabilitative reasons with a view to improving their prospects of returning to full-time work at a future date. People receiving disability allowance payments can earn up to €120 from this type of work before their income is assessed as means.

An increasing emphasis is being placed by facilitators on encouraging customers with disabilities to avail of the options available to them, for example, a project to support people with disabilities commenced earlier this year in the midlands. Its objective is to identify a more integrated employment support approach for people with disabilities. This project is being undertaken by my Department in association with the Health Service Executive and FAS. My Department’s facilitators played an integral part in the operation of the project. It is aimed, initially, at persons aged between 18 to 25 years of age in receipt of disability allowance.

The information gathered to date from this project is now under review to ascertain how the learning can best be used for the benefit of customers in the future.

Social Welfare Benefits.

13. Mr. Sherlock asked the Minister for Social and Family Affairs the position regarding the introduction of an all-Ireland free travel scheme; the latest discussions he has had on this issue; the reason for the delay in its implementation; and if he will make a statement on the matter. [23030/05]

37. Mr. Sargent asked the Minister for Social and Family Affairs the progress which his Department has made on the introduction for all senior citizens of an all-island free travel scheme. [23044/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 13 and 37 together.

The programme for Government contains a commitment to a scheme of All-Ireland free travel for pensioners resident in all parts of the island. The scheme would enable pensioners resident in Ireland to travel free of charge on all bus and rail services in Northern Ireland. Likewise, pensioners in Northern Ireland would travel free of charge on all bus and rail services in this State. I am actively examining all the issues and options related to introducing such a scheme.

In July 1995, my Department introduced the cross Border free travel scheme. This scheme extended free travel entitlement so that free travel pass holders resident in Ireland could undertake a cross-Border journey from a point of departure in one jurisdiction to a destination in the other jurisdiction free of charge. The Department for Regional Development for Northern Ireland does not operate a similar scheme for its customers.

My Department covers the full cost of cross-Border journeys made by its pass holders as well as the southern element of such journeys undertaken by Northern Ireland pass holders. Under its own concessionary fares scheme, the Department for Regional Development for Northern Ireland covers the cost of the Northern element of cross-Border bus and rail journeys made by Northern Ireland pass holders. Some 220,000 free cross-Border journeys are undertaken each year at a total cost of €2.9 million; my Department pays €2.5 million and the remaining €0.4 million is covered by the Department for Regional Development for Northern Ireland.

The introduction of an All-Ireland free travel scheme will further extend the existing arrangements so that all free travel pass holders resident on the island of Ireland may undertake travel free of charge in all parts of the island. It is difficult to estimate the cost of the all-Ireland free travel scheme as this will ultimately depend upon the extent to which pass holders avail of it.

Officials from my Department have regular meetings with their counterparts in the Department for Regional Development for Northern Ireland concerning the operation of the existing cross-Border free travel scheme. Issues relating to the introduction of the All-Ireland free travel scheme have also been raised at these meetings.

My officials recently met with representatives from the Department of Foreign Affairs and the Department of the Taoiseach on 17 June 2005 in advance of a meeting of the British/Irish Intergovernmental Conference on 27 June 2005 at which the All-Ireland free travel proposal was raised. I will meet with Mr. Shaun Woodward MP, Parliamentary Under Secretary of State at
the Northern Ireland Office, shortly during which I will discuss the introduction of a scheme.

There are a number of policy, operational, financial and technical issues to be discussed and agreed in connection with the new scheme, including the compatibility between the travel passes used in both jurisdictions, resourcing of the scheme and the options for joint funding. My Department will continue to progress these matters with officials from the Department for Regional Development for Northern Ireland, the Northern and Southern transport companies, the Railway Procurement Agency and other relevant parties.

14. Ms Enright asked the Minister for Social and Family Affairs if his Department has carried out any research into the particular barriers which older persons encounter when trying to access information; if not, the reason therefor; the barriers which were identified as a result of this research; the action his Department has taken to address these barriers; and if he will make a statement on the matter. [22929/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department has not undertaken any specific research along the lines suggested by the Deputy regarding the information needs of older citizens. However, Comhairle, the national information agency which operates under the aegis of my Department, has recently funded the voluntary organisation, Age Action Ireland, to carry out a research project entitled “Uptake of Social Welfare Benefits by Older People”. A draft report on this research project has recently been received in my Department and the findings and recommendations outlined in the report will be discussed shortly with Age Action Ireland.

The provision of comprehensive information in a clear and simple manner is an essential element in the effective delivery of social welfare services. The underlying objective of my Department’s information policy is to ensure that all citizens, including older persons, are made aware of their entitlements in a timely fashion and are kept informed of changes and improvements as they occur. We continually try to ensure that there are no barriers encountered by our older citizens when trying to access information on all our social welfare schemes and services. My Department has in the recent past held customer consultation sessions with our older customers to ascertain any problems they might have in obtaining information on their entitlements. All of the customer groups concerned indicated their satisfaction at the level of information available from the Department and our dissemination methods.

The Department takes a proactive approach in advertising new schemes, together with changes and improvements to existing schemes and services, by using an appropriate mix of national and provincial media, information leaflets, fact sheets, posters and direct mailshots. We have, in the past, issued direct information booklets to all our pensioners outlining all the supports and services available to them from the Department.

Staff of the Department participate at public events promoting social welfare entitlement take up. In addition, they give talks to many organisations, including those offering pre-retirement seminars and courses, and voluntary and community groups to provide presentations on social welfare entitlements. My Department produces a comprehensive range of information leaflets, including a leaflet entitled “Checklist for Pensioners”, and booklets covering each social welfare payment or scheme. These information leaflets are available in a wide range of outlets countrywide, including all social welfare local offices, citizen’s information centres, post offices and in a wide range of other organisations such as local community centres.

The central information services unit in my Department operates a telephone information service for the public and there is an information officer in each of the social welfare local offices around the country. Information officers are available to explain all our supports and services to our older citizens and to help and assist them in completing forms and accessing their entitlements.

Anti-Poverty Strategy.

15. Mr. Connaughton asked the Minister for Social and Family Affairs if he will identify the welfare traps that are associated with the one-parent family payment; and if he will make a statement on the matter. [22888/05]

27. Mr. Ring asked the Minister for Social and Family Affairs his proposals to change the one-parent family payment; and if he will make a statement on the matter. [22887/05]

50. Mr. Deasy asked the Minister for Social and Family Affairs the measures he intends to introduce to reverse the situation whereby certain welfare payments prevent the parents of children from living together; and if he will make a statement on the matter. [22893/05]

63. Mr. Perry asked the Minister for Social and Family Affairs if he will list and outline the current data on poverty amongst lone parents here; and if he will make a statement on the matter. [22928/05]

Minister for Social and Family Affairs (Mr. Brennan): It is proposed to take Questions Nos. 15, 27, 50 and 63 together.

The one parent family payment is designed to provide income support to parents with insufficient means who have to parent alone. This can arise as a result of being widowed, or following separation or divorce, or being unmarried. The scheme in its present form largely reflects the reality that applied up to relatively recently, whereby mothers were mainly the full-time care-givers, with the father being the sole breadwinner. The main aim of the scheme, therefore, has been to provide income support for mothers parenting
alone to replace that which would otherwise be provided by the father in a two parent family. The scheme provides lone parents with the same option that parents have in two parent families, of rearing their children themselves.

This reality, however, has been substantially changing in recent years. It is now more common in two parent families for both parents to work outside the home either on a full-time basis or with one parent working full-time and the other working part-time. Two income families are increasingly becoming the norm and international research shows that the risk of poverty for such families is on average less than 4%. One parent family households are, accordingly, at greater risk of poverty and, if these households are jobless, the risk of poverty is further increased.

The findings of the recent EU survey on income and living conditions, EU SILC, bear out the findings of previous surveys, and of experience in other developed countries also, that poverty rates tend to be higher among larger families and one-parent families. This is mainly due both to the direct costs of rearing children, including child care costs, and the opportunity costs related to the reduced earning capacity of parents, arising from their care responsibilities. This applies particularly to lone parent families as the lone parent has to be the main breadwinner and carer at the same time.

The EU SILC figures show that 42.3% of households made up of one adult with children are at risk of poverty, which can be defined as the proportion of the population below an income threshold of 60% of median income. This compares with 22.7% of the population as a whole and 15.3% of two adults with one to three children households. The percentage of lone parent households in consistent poverty was 32.6% compared to 9.4% of total households and 6.5% of two adults and one to three children households.

The OECD, in a recent report on an international comparative study on reconciling work and family life, found that employment participation among lone parents in this country is among the lowest in the OECD. This is despite the huge employment growth and increasing female participation in the workforce in recent years and the income disregards afforded to lone parents who take up employment. In addition, of those in employment, a high proportion are in relatively low paying part-time employment. This may be due, in part at least, to the fact that availing of the income disregard under the one-parent family payment scheme enables a recipient top up their benefit from part-time employment without foregoing the security of having a regular weekly benefit. However, the report points out that this may be achieved at the price of foregoing better paid full-time employment, greater self sufficiency and a higher standard of living.

Entitlement to payments under the schemes is also contingent on not cohabiting with another adult either in marriage or outside marriage. This ensures that recipients under the schemes do not gain an advantage over those living together, either married or otherwise, and parenting the children on a joint basis. Reluctance to forgo the income security provided by the one-parent family payment may, however, act as a disincentive to a partnership and ultimately marriage for recipients.

A sub-group of the senior officials group on social inclusion is examining obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, child care and support programmes and information. This group is scheduled to report to the Cabinet committee on social inclusion by the end of July.

We must also look closely at income supports and at how we can adjust those supports to better address the social problems that can arise for those who receive these payments. In this regard, my Department has established a working group to review the income support arrangements for lone parents. Issues being addressed include the contingency basis of the one-parent family payment, cohabitation, individualisation, maintenance and secondary benefits. The findings of this group will feed into the work of the senior officials sub-group.

I am also giving consideration to the introduction of a second tier of child income supports, aimed specifically at families in greatest need. A study being carried out at present by the National Economic and Social Council is examining the possibility of amalgamating social welfare child dependant allowances with family income supplement payments. The objective is to provide an integrated channel for resources to low income families without creating disincentives to employment.

It is intended that the outcome of these reviews will contribute to concrete proposals designed to better support and encourage lone parents in achieving a better standard of living, employment and education opportunities, and a better future for themselves and their children. These will be the main criteria against which recommendations in the reports will be judged. I am committed to reforms that will improve the quality of life for lone parents and their children by offering them respect and support while avoiding poverty traps.

16. **Mr. Noonan** asked the Minister for Social and Family Affairs if he does not accept that approximately 230,000 children live in relative poverty; and if he will make a statement on the matter. [22923/05]

25. **Mr. Perry** asked the Minister for Social and Family Affairs if he will list and outline the current data on child poverty here; and if he will make a statement on the matter. [22927/05]

41. **Mr. Boyle** asked the Minister for Social and Family Affairs his views on the recommendations made in a statement on ending child poverty by the Combat Poverty Agency; and if he intends to examine all the recommendations as part of
Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 16, 25 and 41 together.

The reduction and eventual elimination of child poverty are at the core of the strategies to combat poverty and social exclusion, a priority shared internationally. The OECD, in a report to Ministers for Social Affairs in April 2005, pointed out that “children who grow up in disadvantaged households are more likely to do poorly at school, to struggle to find a job, and to be unemployed, sick or disabled when they become adults, precipitating an inter-generational cycle of disadvantage and deprivation.”

Detailed measures to give effect to the strategies to combat child poverty in Ireland are set out in the national action plan against poverty and social exclusion and in the national children’s strategy. “Ending Child Poverty” is also one of ten special initiatives in Sustaining Progress. The latest available child poverty data is from the EU survey of income and living conditions, EU SILC, for 2003. The EU SILC indicated that 23.9% of children, equivalent to approximately 200,000, are “at risk of poverty”, that is, living in households with less than 60% of median equivalised income for their household size. Of these, 120,000 approximately or 14.6% of children are living in households with income below the 60% threshold and experiencing deprivation in at least one of eight indicators considered essential for a decent standard of living in Ireland today.

The relatively high percentage rates of poverty are, paradoxically, in part due to the major increases in household incomes generally that have occurred due to our unprecedented economic growth and the resulting major expansion in employment. A recent EUROSTAT study, for example, calculated the monetary value of the 60% threshold in terms of purchasing power standards in 2003 for households with two adults and two children. This showed that the threshold in Ireland is now above the EU average in value and ranked eighth highest overall among the EU 25. This means that many households in Ireland with incomes below the 60% threshold, including those with children, may have a better standard of living than similar households classified as not at risk of poverty in other member states.

I mention this because a misleading impression is often given that the level of poverty in Ireland is among the highest even in the enlarged EU. This comes as a surprise to many, given the improvements that have been made with employment, increases in social welfare payments and in education, health, housing and other essential services. The real challenge, therefore, now is no longer in combating absolute poverty but in addressing the reality that many households, especially those with children, have not managed to secure an adequate share of the growing employment opportunities on offer and in the higher standards of living these provide.

The Combat Poverty Agency policy statement on ending child poverty, which I recently launched, deals with this reality. The statement identifies three specific areas for attention. These are the need for increased and targeted child income supports; measures to encourage lone parents back to education, training and work, and the delivery of additional child care places. These are fully in line in this regard with my priorities and those of the Government.

The most significant measure to support families with children in recent years has been the substantial real increases in child benefit payment rates. Between 1997 and 2005, the rate of child benefit rose from €38.09 per month for the first two children and €49.52 for each child thereafter to €141.60 per month for each of the first two children and to €177.30 per month for the third and each subsequent child. This equates to real increases in excess of 170%. Child benefit is paid to over 540,000 families in respect of approximately 1 million children, at an estimated cost of €1.916 billion in 2005. It delivers a standard rate of payment in respect of all children in a family regardless of income levels or employment status. Providing income support in this way thus creates no obstacles to employment and facilitates employment take up by providing significant support with child care costs.

Through the family income supplement scheme, my Department provides cash support by way of weekly payments to families at work on low pay. Recent improvements to the scheme, including the assessment of entitlements on the basis of net rather than gross income and progressive increases in the income limits, have made it easier for more lower income households to qualify under the scheme.

There is not full-time or part-time employment take up in a significant proportion of households with children. These mainly include recipients of the one-parent family payment or of payments in respect of disability and unemployment. In other households with bigger families, only one parent may be able to take up employment, which results in a lower family income. I believe that part of the solution to this may be the introduction of an integrated, second tier of child income support, aimed specifically at families on low income. This would supplement the support provided by child benefit in terms of creating no obstacles to employment and contributing towards the cost of child care in facilitating employment. It would also help to facilitate the option of part-time or full-time parental care for children.

In developing these policies full account will be taken of the Combat Poverty Agency study and of a forthcoming study under the “Ending Child Poverty” special initiative by the NESC on amalgamating social welfare child dependant allowances with the family income supplement. The present system of weekly payments and other...
supports for lone parents may be creating obstacles to employment and thus contributing to growing dependence on these payments and a greater long-term risk of poverty for recipients and their children. This level of dependence does not appear to occur in many other EU countries. I, therefore, fully accept the priority which the Combat Poverty Agency study gives to encouraging people on benefit, including lone parents, back to work. This has already been under active consideration for some time.

A sub-group of the senior officials group on social inclusion has been undertaking since last year a detailed examination of obstacles to employment for lone parents. A report will be submitted to the Cabinet committee on social inclusion before the end of July, consideration of which will receive top priority.

The provision of affordable and flexible child care is also a key factor in facilitating employment participation for families with children. My Department is participating in an inter-departmental working group on early child care and education, chaired by the National Children’s Office. The work of this committee is at an advanced stage and the outcome will make an important contribution to finding the right mix of services and income support to facilitate employment take up and care for children.

We need to monitor and evaluate the outcomes of the policies being pursued on the development of our children and get the necessary evidence on what works and works well. This process is about to commence with a major national longitudinal study on children which is expected to commence later in 2005. It is being jointly funded by my Department and the Department of Health and Children, through the National Children’s Office. The study will be the most significant of its kind to be undertaken here, particularly in terms of the cost, scope and length of study period. It is anticipated that 10,000 children from birth and 8,000 children aged nine will be recruited to participate in the study.

I am confident that through the measures already being taken and the initiatives being planned, which will soon come to fruition, we are making a major contribution to ensuring that vulnerable families and their children have a fair share of the life chances and quality of life, which our prosperity as a nation is already conferring on a majority.

**Social Welfare Code.**

17. Mr. Stanton asked the Minister for Social and Family Affairs his views on the situation whereby migrant workers from the accession states and other countries, who come here to take up employment, do not qualify for any State support if they have not been employed here for more than two years; and if he will make a statement on the matter. [18062/05]

Minister for Social and Family Affairs (Mr. Brennan): From 1 May 2004, the requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and for child benefit. The basis for the restriction contained in the new rules is the applicant’s habitual residence. The restriction is not based on citizenship, nationality, immigration status or any other factor.

The effect of the restriction is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on arrival in Ireland. The question of what is a person’s “habitual residence” is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims. Each case received for a determination on the habitual residence condition is dealt with in its own right and a decision is based on the application of the guidelines to the individual’s circumstances. Any applicant who disagrees with the decision of a deciding officer has the right to appeal to the social welfare appeals office.

Information held in my Department shows that the majority of migrant workers who came here took up employment and did not make social welfare claims. This is particularly true of those coming from the new member states of the EU. Migrant workers who become unemployed or ill will be entitled to claim unemployment benefit or disability benefit if they satisfy the social insurance contributions for such schemes. In the case of nationals of countries that require work permits, payment will only be made in respect of the unexpired part of their work permit.

It is possible for migrant workers who have been here for less than two years to satisfy the habitual residence condition for unemployment assistance purposes if it is deemed that their centre of interest is in the State. Again in work permit cases, payment of assistance would only be made in respect of the unexpired part of the work permit.

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 to customers, and to identify opportunities for improvements in the administration of the scheme. The ongoing review enables my officials to identify emerging policy issues and to consider how these should be addressed.

Account is being taken of the views received from various groups and organisations who 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.

**Social Welfare Benefits.**

18. Mr. Penrose asked the Minister for Social and Family Affairs the discussions he has had to date concerning the logistics of allowing Irish senior citizens in Britain to have access to free travel when they return on visits to Ireland; if he
is close to finalising details for such a proposal; the timeframe for its introduction; and if he will make a statement on the matter. [23015/05]

Minister for Social and Family Affairs (Mr. Brennan): The free travel scheme is available to all people living in the State aged 66 years or over. It is also available to carers and to people with disabilities who are in receipt of certain social welfare payments. It applies to travel within the State and cross Border journeys between here and Northern Ireland.

There have been a number of proposals for extending entitlement for free travel to people living outside Ireland, particularly the UK. During a recent visit to the UK I discussed the logistics of such a recognition scheme with bodies representing the Irish in Britain. With regard to making free travel available to Irish senior citizens living in Britain, consideration has to be given to the EU treaty’s prohibition on discrimination on grounds of nationality. This could mean that, if the scheme were extended along the lines suggested, it may have to be extended to all pensioners who are EU nationals coming to Ireland for temporary stays.

However, while mindful of possible legal issues, I intend to continue to pursue the logistical elements of such a scheme, as I view it as important in the overall recognition of the contribution of Irish senior citizens over several decades to the growth and prosperity of this country.

Pension Provisions.

19. Ms O. Mitchell asked the Minister for Social and Family Affairs his plans for older persons as announced on 15 June 2005; and if he will make a statement on the matter. [22916/05]

21. Mr. Durkan asked the Minister for Social and Family Affairs the discussions he has had with the banks regarding his recently announced proposals to encourage pensioners to remortgage to supplement their income; and if he will make a statement on the matter. [23105/05]

26. Mr. Sargent asked the Minister for Social and Family Affairs if he will more fully explain his proposal to encourage the remortgaging of pensioner’s homes. [23045/05]

30. Mr. Stagg asked the Minister for Social and Family Affairs his views on the two recent reports from the National Council on Ageing and Older People, An Age Friendly Society and Planning for an Ageing Population; and if he will make a statement on the matter. [23032/05]

78. Mr. Rabbitte asked the Minister for Social and Family Affairs if he will expand on his recent statement that older persons should be able to remortgage their property to the State in return for an annual income to supplement their pension; if he plans to table formal proposals on this issue; and if he will make a statement on the matter. [23028/05]

87. Ms Shortall asked the Minister for Social and Family Affairs his new proposals to allow State pensioners to earn an income and keep their full pension; when he plans to introduce these proposals; and if he will make a statement on the matter. [23031/05]

89. Mr. G. Murphy asked the Minister for Social and Family Affairs his views on media reports that he has plans to allow people to remortgage their property to the State in return for income to supplement their pension; and if he will make a statement on the matter. [22918/05]

387. Mr. Durkan asked the Minister for Social and Family Affairs the extent of the discussions he has had with banking institutions about his recent proposals to encourage banks to acquire part of the equity of their homes, having particular regard to the fact that many such people have already had to assist their sons and daughters with the purchase, who are first time home buyers; and if he will make a statement on the matter. [24153/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 19, 21, 26, 30, 78, 87, 89 and 387 together.

I recently had the pleasure of launching two important documents from the National Council of Ageing and Older People — “An Age Friendly Society: A Position Document” and “Planning for an Ageing Population: Strategic Considerations”. The concept of a society for all ages, where all generations mingle and are valued equally, is most appealing and must be the goal that we as a nation aspire to as we explore the challenges of planning for an ageing population.

I fully agree with the national council that we need to identify the values and aspirations we wish to adopt in determining the place older people will have in our society. We also need to realise that older people are a valuable asset and resource to this country and should not be seen as a burden on the State. This is particularly important as we examine policy issues relating to the future financing of long-term care. These issues raise important questions for society.

My Department carried out a consultation process on the Mercer report on the future financing of long-term care in Ireland, which involved detailed consultation with a number of organisations. The feedback from that process has been compiled and has been fed into the long-term care working group. This working group is being chaired by the Department of the Taoiseach and comprises senior officials from the Departments of Finance, Health and Children and Social and Family Affairs.

The objective of the 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. The group will report to the Tánaiste and to me during the summer.
A range of options are being considered to fund long-term care into the future. One of these options is an equity release type mechanism. I have spoken to my Canadian counterpart about his ideas for a scheme that allows homeowners to top up incomes by mortgaging a part of their property. The amount is recouped by the State, or agency acting for the State, when the home is eventually sold. This is referred to as a “reverse mortgage”. Money raised in this way can, I understand, be taken as a lump sum or can be paid in instalments as a regular stream of income over time. There may be some benefits in exploring the introduction of such a system to assist people in supplementing their pension. In Canada the aspiration is that low income older people could raise their annual incomes consistently over time. It is an option that I will explore over the coming months.

With regard to pensions, I am examining the distinction between contributory and non-contributory pensions and the possibility of adjusting the means test to see to what extent we can provide incentives to older people to remain in employment. This is part of a broader examination of pensions issues which I am undertaking and which gives rise to complex issues and fundamental questions about the way our pensions system is organised. However, I hope to come to some conclusions in this area later this year.

20. **Mr. Bruton** asked the Minister for Social and Family Affairs his views on the recent ESRI report on pensioners’ incomes. [18323/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The recent ESRI report on pensioners’ incomes and replacement rates in 2000 estimated that the income of older couples was 51% of their pre-retirement income, with single pensioners achieving a rate of 43%.

Since first taking office, the needs of older people have been a priority for this Government. We have sought, through significant increases in pensions and changes to other schemes, to improve the position of older people. Since 1997, we have increased pensions by up to €80.26 per week or 81%. Over the same period the increase in the consumer price index was 30.7% while average earnings increased by 51%.

At the same time, we have eased qualifying conditions so that more people can now receive contributory pensions. Additional household schemes have also been made available to all those over 70 years of age regardless of their income or household composition. The programme for Government contains a commitment to increase the basic State pension to €200 by 2007 and further progress will be made in the 2006/07 period. The maximum rate of contributory old age pension now stands at €179.30.

Under the national pensions policy initiative, published by the Pensions Board in 1998, the board proposed a rate of 34% of gross average industrial earnings for contributory pensions based on average earnings for the previous year. On that basis the current rate of pension is equivalent to almost 32%. A statutory review of pensions coverage and related issues is required to be completed by September 2006. In February, I asked the Pensions Board to commence work on a comprehensive review of our overall pensions strategy. Work on the review is ongoing and will include an examination of the appropriateness of the original targets suggested in the national pensions policy initiative for social welfare pensions and the total income of pensioners, taking account of the ESRI report.

I am anxious to ensure that the report is completed in the shortest possible timescale so that I can review the situation and decide what further action is required in this area. I expect to receive the report of the Pensions Board in September.

**Question No. 21 answered with Question No. 19.**

**Anti-Poverty Strategy.**

22. **Mr. O’Dowd** asked the Minister for Social and Family Affairs if he does not accept relative income and consistent poverty as measures of poverty; and if he will make a statement on the matter. [22925/05]

23. **Mr. P. Breen** asked the Minister for Social and Family Affairs the progress to date on the eradication of consistent poverty; and if he will make a statement on the matter. [22884/05]

34. **Mr. O’Dowd** asked the Minister for Social and Family Affairs if he will list and outline the current data on poverty here; and if he will make a statement on the matter. [22926/05]

52. **Mr. Noonan** asked the Minister for Social and Family Affairs if he is concentrating his efforts on dealing with consistent poverty and not relative income poverty; and if he will make a statement on the matter. [22924/05]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 22, 23, 34 and 52 together.

The relative income poverty indicator measures the proportion of people below the threshold of 60% of median income. People with income below that threshold are considered by the EU to be “at risk of poverty”. The consistent poverty indicator identifies those below the 60% median income threshold who are also experiencing deprivation in goods and services considered essential for a basic standard of living in Ireland. There are eight indicators of deprivation chosen on the basis of surveys of what Irish people consider essential for a basic standard of living.

Across EU member states a new EU survey on income and living conditions, EU SILC, is the principal source of data on these and other indicators. The survey is conducted in Ireland by the Central Statistics Office. It replaces the living in Ireland survey, LIHS, which was conducted by the Economic and Social Research Institute, ESRI,
until 2001. Ireland was among the first set of five countries to introduce EU SILC in 2003.

That survey reported that 22.7% of persons were at risk of poverty in 2003, which represents a slight increase on the 2001 figure of 21.9%. It is the case that when countries experience rapid economic growth, as occurred in Ireland in the 1990s, the incidence of relative poverty can increase as a result of the increase in incomes generally, for example, it rose in Ireland from 15.6% to 20.9% during a period of high economic growth between 1994 and 2000. However, if we use the “anchored poverty line approach” over the same time frame based on increases of the poverty threshold by the rate of increases in consumer prices only, the level of poverty actually falls by 55.9%.

The impact of general rises in income is also illustrated by a recent EUROSTAT study. This gives the monetary value of the 60% median threshold for a household with two adults and two children in 2003 in terms of purchasing power standards. It shows that the value for Ireland is above the EU average and eighth highest overall. This means that many households in Ireland with incomes below the 60% threshold have a better standard of living than similar households classified as not at risk of poverty in other member states.

The relative income approach, of course, only measures income. It does not take account of the high level of home ownership, especially among the elderly, and consequently of the value to households of owning their own home. It also does not reflect access to household allowances in kind such as electricity, fuel, telephone rental and TV licence.

The EU-SILC survey reported that 10.2% of households experienced consistent poverty in 2003, up from 5.2% in 2001 under the earlier LIIS survey. However, both the CSO and the ESRI have made it clear that methodological differences between the two surveys mean that the figures for 2001 and 2003 are not comparable and that it is, therefore, not possible to conclude from them how consistent poverty changed during this period.

There is no reason to believe that there has been a worsening in basic deprivation levels in recent years. Between 2001 and 2005, spending on social welfare has increased by €7.8 billion to €12.2 billion. During the same period the lowest social welfare rates have increased by 40% while the consumer price index has increased by just over 13%. As a result of budget 2005, welfare payments have increased by three times the expected rate of inflation.

Nevertheless, what is not in question from the survey results are the groups who are identified as being most at risk of poverty and deprivation. EU-SILC confirms the findings of earlier surveys in this regard. The most vulnerable groups are families with children, especially lone parents and larger families, those who are unemployed or with disabilities and the elderly, especially women living alone.

For those of working age the best route out of poverty is employment and this includes lone parents and those with disabilities, as well as the unemployed. This requires ensuring that social welfare payments are organised and administered in ways that are employment friendly. It also involves providing the necessary supports, such as education and training, employment services and affordable child care. The development of policies to meet these challenges is now a top priority with, for example, high level working groups examining how best to enable lone parents overcome the obstacles to employment they face and on how best to further develop the provision of affordable child care. Similar strategic and coordinated approaches are being developed for those with disabilities and the elderly.

**Social Welfare Benefits.**

24. Mr. McEntee asked the Minister for Social and Family Affairs when he expects social welfare recipients to be able to receive their payments in credit union accounts; and if he will make a statement on the matter. [22931/05]

Minister for Social and Family Affairs (Mr. Brennan): My objective is to ensure that a wide choice of payment options is available to customers and that service is continually improved by providing access to an increasing range of payment outlets and facilities. Currently, 520,000 of my Department’s customers receive their payment direct to their accounts at banks, building societies and other financial institutions. In order for my Department to issue payments to an account, the financial institution must have access to the electronic clearing system. Credit unions do not have access to these facilities at present and, therefore, cannot receive direct payments from my Department.

I am aware that the Irish League of Credit Unions is currently working with Bank of Ireland to develop a solution which would give credit unions access to the electronic clearing system. Development work is at an advanced stage and my Department has been requested to assist with the testing of the solution by issuing trial payments. Development work is ongoing between the bank and the credit unions and my Department will continue to assist with the testing of the system as requested.

When regulatory approval is obtained and all parties are satisfied that payments can reach the nominated account securely and on time, and that the customer can easily access their payment on the due date, my Department will agree a commencement date for the service with the Irish League of Credit Unions.

As the development and the regulatory issues are outside the control of my Department it is not possible to set a timeframe by which payments to credit union accounts will take place. However, I am hopeful that most of the issues can be
finalised by the end of the year and that social welfare customers will be able to receive their payments in credit union accounts thereafter.

**Question No. 25 answered with Question No. 16.**

**Question No. 26 answered with Question No. 19.**

**Question No. 27 answered with Question No. 15.**

**Social Welfare Code.**

28. Mr. Stanton asked the Minister for Social and Family Affairs if he intends to introduce a second tier support payment for children in unemployed or low wage households; if so, the progress which has been made to date in regard to same; and if he will make a statement on the matter. [22886/05]

38. Mr. Kenny asked the Minister for Social and Family Affairs the progress to date on his review of the second tier payment for children; and if he will make a statement on the matter. [22905/05]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 28 and 38 together.

My Department provides child income support in a number of ways. The principal support is child benefit, which is neutral vis-à-vis the employment status of the child’s parents and does not contribute to poverty traps. Over the period since 1997, the monthly rates of child benefit have increased by €103.51 at the lower rate and €127.78 at the higher rate, increases of 272% and 258% respectively. Child benefit rates now stand at €141.60 per month for each of the first two children and €177.30 per month for the third and each subsequent child.

Child dependant allowances are paid in addition to weekly social welfare payments. Since 1994, successive Governments have held the rate of child dependant allowances constant while concentrating resources for child income support on the child benefit scheme. It is important to recognise that over that period, the combined child benefit/child dependant allowance payment has increased by more than double the rate of inflation.

In addition, my Department provides cash support by way of weekly payments to families, including lone parent families, at work on low pay, through the family income supplement scheme. A number of improvements have been made to the scheme over the years, including the assessment of entitlement on the basis of net rather than gross income and progressive increases in the income thresholds, making it easier for lower income households to qualify for payment.

The National Economic and Social Council is examining the merging of child dependant allow-

ances with the family income supplement scheme, as a way of addressing the issue of child poverty by channelling resources to low income families without creating disincentives to employment. I look forward to receiving the NESC report in the near future.

**Social Welfare Benefits.**

29. Ms McManus asked the Minister for Social and Family Affairs if he will provide details of the new benefits and supports for carers that he recently announced; when he will introduce a national strategy for carers; and if he will make a statement on the matter. [23023/05]

32. Mr. McCormack asked the Minister for Social and Family Affairs if he is considering changing the dual eligibility rule for persons in receipt of the carer’s allowance; and if he will make a statement on the matter. [22907/05]

42. Ms B. Moynihan-Cronin asked the Minister for Social and Family Affairs if he has received a copy of the Carers Association national policy document “Towards a Family Carers Strategy”; his views on its main findings; if he will draw on this document when formulating a national strategy for carers; and if he will make a statement on the matter. [23024/05]

48. Mr. Gormley asked the Minister for Social and Family Affairs if he has plans to change the dual eligibility rule for persons in receipt of the carer’s allowance; and if he will make a statement on the matter. [23041/05]

56. Mr. Deenihan asked the Minister for Social and Family Affairs if he has plans to change the dual eligibility rule for persons in receipt of the carer’s allowance; and if he will make a statement on the matter. [22895/05]

69. Mr. M. Higgins asked the Minister for Social and Family Affairs if he will give a commitment to develop, finance and put in place a national strategy for carers and thereby give full recognition to their role as an integral part of the health services; if he will provide adequate supports for the 150,000 family carers here; and if he will make a statement on the matter. [23020/05]

77. Mr. English asked the Minister for Social and Family Affairs the progress to date on a policy or framework for the future funding of long-term care of the elderly; and if he will make a statement on the matter. [22896/05]

84. Mr. Durkan asked the Minister for Social and Family Affairs if he is considering extending the carer’s allowance to that wider group of carers who are currently carers...
Mr. Cregan asked the Minister for Social and Family Affairs if he will consider extending extra benefits to carers looking after the more stressful and needs related clients; if, in cases in which persons take up the carer’s allowance and forfeit other social welfare payments, he will consider granting such persons all or part of forfeited payments. [24174/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Question Nos. 29, 32, 42, 48, 56, 69, 77, 84, 388 and 403 together.

The carer’s allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full time care and attention and whose incomes fall below a certain limit. 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.

According to census 2002, there are 48,500 people providing personal care for over four hours per day. Just over 24,200 of these are in receipt of either carer’s allowance or carer’s benefit. This means that 50% of the 48,500 carers, as estimated by the CSO to be caring for more than four hours per day, are in receipt of a specific carer’s payment from my Department.

I have been conscious, however, that there are carers who, because they are not in need of income support and consequently do not qualify for a weekly payment from my Department, feel that their contribution is not being recognised. For that reason, in the last budget I made provision to extend the annual respite care grant to all carers who are providing medically certified full-time care to a person who needs such care. This is also subject to some employment related conditions. This means that the respite care grant is now available to all carers who are providing medically certified full time care. Accordingly, carers who are receiving a social welfare payment or those who are qualified adults on another person’s pension or those who are not currently receiving a weekly social welfare payment may now qualify for a respite care grant from my Department.

The amount of the grant increased from €835 to €1,000 in June 2005. Provision has also been made to pay a grant in respect of each care recipient, where previously the grant was only available for up to two people. This benefits those who provide care for three or more people. I expect that this measure will benefit over 9,000 carers who are not currently in receipt of carer’s allowance or carer’s benefit. Overall, some 33,000 full time carers will receive the grant at a cost of €36 million this year. This will bring the total expenditure on supports for carers from my Department to over €250 million this year.

I recently had the pleasure of launching the Carers Association’s “Towards a Carer’s Strategy”. It is a focused document with clear objectives and actions. These objectives and actions cover a range of areas and Government Departments, including income support and health related issues. With regard to a policy framework for the future funding of long-term care for older people, the long-term care working group, which is chaired by the Department of the Tánaiste and comprises senior officials from the Departments of Finance, Health and Children and Social and Family Affairs, is continuing its work. 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. The group will report to the Tánaiste and myself during the summer.

I will also continue to work with my colleagues in Government to develop the type of co-ordinated services which provide real support and practical assistance to people who devote their time to improving the quality of life for others.

Question No. 30 answered with Question No. 19.

31. Mr. P. McGrath asked the Minister for Social and Family Affairs if he has plans to change the way in which the supplementary welfare allowance is administered; and if he will make a statement on the matter. [22911/05]

75. Mr. McGinley asked the Minister for Social and Family Affairs the progress to date on the review of the supplementary welfare allowance; and if he will make a statement on the matter. [22910/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 31 and 75 together.

The supplementary welfare scheme is administered by the Health Service Executive on my behalf. The scheme is being reviewed as part of my Department’s ongoing programme of expenditure reviews. The review is being carried out by a working group chaired by my Department and includes the Department of Finance and the Health Service Executive. The review involves a fundamental appraisal of the scheme. All aspects are being examined, with a primary focus on considering ways of improving its efficiency and effectiveness.

Due to the number and nature of the issues raised, the working group decided to progress the review in two phases. Phase I of the review was undertaken on that report and the review of the nursing home subvention scheme. The group was due to report to the Tánaiste and myself during the summer.

I will also continue to work with my colleagues in Government to develop the type of co-ordinated services which provide real support and practical assistance to people who devote their time to improving the quality of life for others.

Question No. 30 answered with Question No. 19.
objectives of the scheme and their relevance in the context of Government and departmental policy and strategies. In this first phase the working group carried out an extensive consultation process. This resulted in 145 submissions being received by the working group. Over 700 issues were raised in these submissions. The report of phase I of the review has been published and is also available on my Department’s website.

Phase II of the review commenced in January 2005. This involves a full examination of the issues raised in the submissions received and conclusions by the group in phase 1. The group is due to complete its work by the end of 2005 and will make recommendations on the future of the scheme based on its conclusions.

The recent establishment of the Health Service Executive requires a fresh consideration of the role and structure of the community welfare service and of the most appropriate location for that service in the future. I will address, later this year, the most appropriate administrative arrangements for the scheme in the light of recent changes.

Question No. 32 answered with Question No. 29.

33. Mr. Deenihan asked the Minister for Social and Family Affairs if he will increase the weekly disregard of earnings as an incentive for persons with disabilities entering rehabilitative and therapeutic employment; and if he will make a statement on the matter. [22880/05]

80. Mr. Naughten asked the Minister for Social and Family Affairs if he intends to increase the income disregard for persons on disability allowance following the recent increase in the minimum wage; and if he will make a statement on the matter. [22920/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 33 and 80 together.

My Department aims, through the provision of a range of supports, to encourage and assist people with disabilities and long-term illnesses who are in receipt of social welfare payments to identify and take up available employment, training and other self development opportunities, where appropriate.

This is achieved through a number of measures which include: exemptions from the general “no work” conditions which apply to the contributory illness and disability payments — with the prior approval of the Department, a person may be exempted from these conditions so as to engage in employment or training of up to 20 hours per week which is considered to be rehabilitative or therapeutic in nature; earnings disregards in the case of means tested payments, disability allowance and blind pension, for those engaging in rehabilitative employment or self employment and rehabilitative training; participation in the back to work scheme, whereby people on long-term illness and disability payments can retain those payments on a sliding scale for three years where they take up full-time employment in the open labour market, four years where engaged in self employment; the jobs facilitator network, which assists people to return to work, training and education by advising them of the options available, encouraging them to take up these options and providing supports, where necessary; and exemptions from liability for employer and employee PRSI contributions, in certain instances.

The earnings disregard for those in receipt of means tested payments engaging in rehabilitative employment has been increased on a number of occasions since the transfer of the then disabled person’s maintenance allowance, DPMA, from the health boards to my Department as disability allowance in 1996. At that time, the disregard was £35.20, equivalent of €44.69, increased to £36.30 or €46.09 from 4 June 1997 and to £50 or €63.49 from 3 June 1998. It was then increased to £75 or €95.23 from 5 April 2000 and also extended to self employment and to its current level of €120 from April 2002. Any further change to this disregard would have budgetary implications and would have to be considered in the context of overall available resources.

As part of the Government’s expenditure review initiative, a working group established in my Department reviewed the range of existing illness and disability schemes and identified a number of areas where employment support could be strengthened within the social welfare system and across Government Departments generally. I will consider what improvements can be made in the light of this review and with a view to any necessary measures being considered in the context of the next budget.

Question No. 34 answered with Question No. 22.

35. Mr. Cuffe asked the Minister for Social and Family Affairs the measures which have been taken by his Department to rectify the issue of reimbursing pensioners who lose a week’s money when they sign up for direct debit payments. [23037/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department’s policy is to ensure that a wide range of payment options are available to customers. Payment options that are currently available include post office payments by means of a personalised pension order, PPO, book, postdrafts or electronic interface transfer, EIT, using a swipe card, cheque payments to customers at their home address and direct payment to customers’ bank accounts via electronic fund transfer, EFT. Customers may also switch between payment method where their circumstances warrant it.

When pension payments made by EFT first commenced, they were made four weeks in arrears. However, following a review of payment
[Mr. Brennan.] frequencies, pension payments by EFT moved to two weeks in arrears in April 2000. This situation was again reviewed in 2004 and it was further reduced to one week in arrears in November of that year.

The majority of customers who opt for the EFT facility do so at the start of their claim and are paid on a regular weekly basis once their claim is put into payment.

Under current arrangements, customers wishing to change from a post office book to EFT move to a different payment cycle and, as a result, do not receive payment for one week during the switch over. The further alignment of EFT payments with that of other payment methods, including the elimination payments being made one week in arrears, is being addressed and the necessary arrangements will be put in place as soon as possible.

I also recently announced a comprehensive review of my Department’s payment systems. This review will take account of Government policy to facilitate the greater use of electronic payments systems in the economy in the interests of developing a world class payments environment in Ireland.


36. Mr. Allen asked the Minister for Social and Family Affairs the progress to date on the introduction of a personal pension entitlement for pensioner spouses currently in receipt of the qualified adult allowance to be set at the level of the full non-contributory pension, as promised in the programme for Government; and if he will make a statement on the matter. [22882/05]

Minister for Social and Family Affairs (Mr. Brennan): In the programme for Government and in Sustaining Progress, the Government is committed to increasing the payment for qualified adults, age 66 years or over, to the same level as the personal rate of the old age non-contributory pension. The current estimated full year cost of this commitment is €44 million.

Considerable progress has already been made in this regard with the qualified adult allowance on the contributory payment now standing at €138.50 or 83% of the maximum rate of old age non-contributory pension, currently €166.00 per week. Overall increases in the qualified adult allowance on the old age contributory pension amount to €56.47 per week since April 2000. Further progress towards increasing rates in line with Government targets will be considered in a budgetary context.

Question No. 37 answered with Question No. 13.

Question No. 38 answered with Question No. 28.

Question No. 39 withdrawn.

Anti-Poverty Strategy.

43. Mr. G. Mitchell asked the Minister for Social and Family Affairs the efforts his Department is making at local authority level to reduce poverty; and if he will make a statement on the matter. [22913/05]

Minister for Social and Family Affairs (Mr. Brennan): The national action plan on inclusion provides for an integrated approach across all relevant policy areas for combating poverty and social exclusion, in line with the process established under the EU open method of co-ordination. This requires action not only at national level but also at regional and local level.

The office for social inclusion in my Department is responsible for co-ordinating and driving the plan, working closely with all relevant Departments and with the social partners through the social inclusion consultative group. Direct responsibility for social inclusion at local authority level rests with the Minister for the Environment, Heritage and Local Government who, I understand, recently provided detailed information on progress to the Deputy.

Over the past number of years my Department, through the office for social inclusion, has worked with that Department and the Combat Poverty Agency in supporting the development and implementation of a local government anti-poverty learning network. This network has contributed significantly to the promotion of a strong local anti-poverty focus within the reformed system of local government. It provides a forum in which local authorities can share experiences and best practice and consider how to make the maximum contribution to policies to tackle poverty and social exclusion.

Implementation of the national action plan on inclusion is regularly monitored and the outcomes achieved are evaluated. This process is part of the co-ordination undertaken by the office for social inclusion and involves Government Departments, the senior officials groups on social inclusion and the social partners. A report on the implementation of the 2003-2005 National Action Plan, for submission to the European Commission, is being finalised at present and will highlight, inter alia, the significant progress being made at local level to address poverty and social inclusion. This will include reference not only to services provided directly by local authorities but to all relevant State services administered at regional and local level.
Social Welfare Benefits.

44. Mr. Crawford asked the Minister for Social and Family Affairs if his Department has ever calculated the number of persons who are eligible for the family income supplement scheme; and if he will make a statement on the matter. [22891/05]

67. Mr. Crawford asked the Minister for Social and Family Affairs the number of persons who are eligible for the family income supplement but are not availing of the scheme; the number of persons who avail of the scheme; and if he will make a statement on the matter. [22890/05]

375. Mr. Stanton asked the Minister for Social and Family Affairs if his attention has been drawn to the number of working families on a low income which are entitled to the family income supplement but are not claiming it; and if he will make a statement on the matter. [23533/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions No. 44, 67 and 375 together.

Family income supplement, FIS, was introduced in 1984 to provide income support for employees on low earnings with families and thereby preserve the incentive to remain in employment in circumstances where they might otherwise only be marginally better off than if they were fully reliant on social welfare payments. Weekly payments of FIS are made to families, including one-parent families, with children under 18 years or between 18 and 22 years if in full-time education, where one or more parent is in full-time remunerative employment of not less than 19 hours per week or 38 hours per fortnight, where the employment is likely to last at least three months and where the income of the family is less than a prescribed weekly amount.

The number of FIS claims in payment at week ending 17 June 2005 is 15,513. This represents an increase of 29% since December 2002 when 12,043 claims were in payment. FIS income limits were increased by €39 per week in budget 2005. This represents a net increase of €23.40 per week for most recipients. Weekly FIS income limits have risen by €84 since 2002. This represents a net increase of €50.40. The guaranteed minimum weekly rate of payment for anyone who qualifies for FIS increased to €20 from January 2004.

It is difficult to estimate the number of families who fail to apply for their entitlements under the family income supplement scheme. However, research undertaken by the Economic and Social Research Institute in 1997, which was based on the results of the living in Ireland survey 1994, suggested that fewer than one in three of potentially eligible claimants were actually in receipt of the payment. Since those with a higher entitlement are more likely to avail of the scheme, the take up in expenditure terms was estimated to be somewhat higher at between 35% and 38% of potential expenditure. I understand that the

National Minimum Wage.

45. Mr. S. Ryan asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that the failure to increase the cut off wage level for PRSI payments means that many minimum wage earners have not benefited as much as they should have from the recent increase in the minimum wage; if his attention has further been drawn to the fact that an employee earning €298.35 per week now finds that their pay exceeds the €287 minimum level for PRSI exemption; his views on whether this effectively cancels out the bonus they receive via the increase in the minimum wage; if he will address this situation; and if he will make a statement on the matter. [23029/05]

374. Mr. Stanton asked the Minister for Social and Family Affairs if, in view of the recent increase in the minimum wage, he intends to increase the cut off level for payment of PRSI; and if he will make a statement on the matter. [23532/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 45 and 374 together.

The National Minimum Wage Act 2000 provides that the minimum wage rate for an experienced adult employee from 1 May 2005 is €7.65 per hour. The national minimum wage continues to have a significant impact on the earnings of many thousands of low paid workers. This was the fourth increase in the national minimum wage and was agreed between the Government and the social partners under the mid-term review of Sustaining Progress.

The level of the PRSI contribution payable in any week is for the most part determined by the level of reckonable earnings in that week and by the appropriate PRSI rate. The rate at which the PRSI is due can vary significantly depending on the level of earnings. The system of PRSI contributions, which includes payment of the health levy where appropriate, operates using a range of tiered contribution rates which vary for employer
and employees corresponding to weekly non-cumulative thresholds and a weekly non-cumulative PRSI allowance, subject to an annual cumulative ceiling on employee contributions.

These tiered PRSI contributions and allowances link the percentage of PRSI payable to the level of reckonable earnings in a given contribution week so as to ensure that the system is largely progressive up to the value of the annual ceiling. The tiered system also enhances employment incentives for low earning employees so as to ensure they do not bear a financial disadvantage from the payment of social insurance contributions.

From an employee point of view, a key PRSI threshold currently stands at €287 per week, which is the level above which the modified employee PRSI rate of 0.9% or standard employee PRSI rate of 4% is payable. At this threshold point, the employee rate becomes operable for all earnings, although contributors are then entitled to a PRSI free allowance of €26 or €127 per week, as appropriate, which reduces the “step-effect” of the threshold.

There are no provisions under social welfare law to exempt earnings paid at the minimum wage from liability for social insurance contributions. Any changes in the PRSI free allowances, thresholds and ceilings are considered in a budgetary context. It is worthwhile noting that workers in the circumstances that the Deputy sets out received an increase of over 6% on their previous earnings despite the application of PRSI. The Deputy can be assured that every effort is made to ensure that low paid workers and other vulnerable workers do not suffer undue hardship from the operation of the PRSI system.


46. Ms O. Mitchell asked the Minister for Social and Family Affairs the efforts his Department makes to encourage and assist persons with disabilities and long-term illnesses to identify and take up available employment, training and education; and if he will make a statement on the matter. [22915/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department tries to assist and encourage long-term unemployed, people with disabilities and other long-term welfare recipients to return to work, training or further education through a range of measures administered by my Department’s social and family support service. The back to work allowance scheme incentivises and encourages long-term unemployed people, lone parents and certain persons with disabilities to return to work by allowing them to retain part of their social welfare payment for a period when they take up employment or self employment.

My Department also administers the back to work allowance scheme which is available to people who need to obtain educational qualifications before re-entering the labour market. It also operates a special projects fund, administered by facilitators based in social welfare local offices, which enables facilitators to provide enhanced supports to people who need additional help to progress to further training and employment. The groups who may need special help of this nature include the long-term ill and people with disabilities. In 2004, 23 special projects catered for people with disabilities at a cost of over €500,000.

The Department also operates small scale family services projects in certain areas, which are designed to focus supports towards specific target groups with complex needs, including people with disabilities. The provision of this additional support involves individual attention, customised information and enhanced access to services. It can increase the capacity of those in the most difficult circumstances, including people with disabilities, to improve their self esteem and personal situations through access to basic education, training and developmental opportunities.

It is hoped that by encouraging customers with disabilities to participate in self development programmes and, in some instances, “taster” educational programmes that they will move on to more formalised training and educational programmes. In 2004, six projects catered for people with disabilities and their families at a cost of €66,240.

The special projects and family services initiatives are based on the application of a partnership approach between my Department, the voluntary and community sector, the private sector and other local players in identifying and addressing local needs in terms of training and development for people dependent on social welfare payments, including people with disabilities.

Customers in receipt of certain illness related payments such as disability allowance, disability benefit and invalidity pension are not debarred from working while in receipt of these payments, subject to meeting certain criteria. Disability allowance is means tested and any income received would be assessed as means subject, however, to the current income disregard of €120 per week. Disability benefit and invalidity pension customers may, in certain circumstances, be allowed to undertake work for rehabilitative reasons with a view to improving their prospects of returning to full-time work at a future date.

Social Welfare Benefits.

47. Mr. Gogarty asked the Minister for Social and Family Affairs the way in which An Post is expected to improve its services if it is to retain social welfare payments, in view of the fact that his Department has held off on promoting an electronic transfer fund system at local post offices. [23038/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department issues approximately 1.1 million weekly payments, of which 58% are
paid through An Post. Some 643,000 customers are paid electronically by my Department. Payments can be made by electronic fund transfer direct to a customer’s account with a financial institution, including An Post, or by electronic information transfer to a post office where the customer can access the payment by means of a social welfare card.

At present, some 800,000 customers on long-term schemes are paid by means of a book of personalised payable orders which are encashable each week at a post office designated by the customer. My objective is to ensure that a wide choice of payment options is available to customers and that service is continually improved by providing access to an increasing range of payment services.

I have recently announced a review of my Department’s payment methods with a view to identifying a payment solution which will meet the needs of customers in the future while at the same time complying with the Government’s e-services agenda. This review, which is underway, will look at all the payment options used by my Department and will seek information on how best to deliver social welfare payments in the future. I expect the review will be completed by the end of the year.

The range and type of services which An Post provides to its customers is, in the first instance, a commercial matter for the company. I have no role or function in this regard. I am aware that An Post is mindful of the need to move to a more modern payment system. My expectation, however, is that An Post will respond to developments and product innovation in the money transmission market so that it can maintain its position as a leading player in this area of commercial activity.

In 1999, my Department’s payment delivery arrangements with An Post were extended following a Government decision on the matter. This gave rise to a complaint being lodged with the European Commission in 2000. The complaint was subsequently referred to the European Court of Justice by the European Commission. An undertaking given to the European Commission precludes my Department from entering into any arrangement with An Post which would alter the terms of the current payment delivery service.

Pending a judgment on the complaint, the current arrangements which exist between my Department and An Post for the delivery of social welfare payments will continue.

Question No. 48 answered with Question No. 29.


49. Mr. Eamon Ryan asked the Minister for Social and Family Affairs if his Department has carried out a recent evaluation of supplementary welfare allowance rent caps with a view to revising caps to reflect actual current market rates for quality accommodation. [23042/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for the payment of a rent supplement to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source.

Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels and in landlord income. This in turn would worsen the affordability of rental accommodation unnecessarily, with particular negative impact for those tenants on lower incomes.

The limits currently in place came into force with effect from January 2004. Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, breach the rent levels as an exceptional measure. This discretionary power is only used in special cases but it ensures that individuals with particular needs can be accommodated within the scheme.

My Department is in regular contact with the community welfare staff of the Health Service Executive regarding the various elements of the scheme. In the course of these ongoing contacts, the prescribed upper limits on rent levels supported under the rent supplement scheme have not emerged as having a detrimental impact on the ability of eligible tenants generally to secure suitable rented accommodation to meet their needs. In 2004, over 41,000 rent supplement claims were awarded and so far this year over 19,000 claims have been awarded.

My officials are reviewing the current levels of rent limits to determine what limits should apply from later this year. The review is taking account of prevailing rent levels in the private rental sector generally, based on indices from the Central Statistics Office, together with detailed input from the Health Service Executive on the market situation according to patterns of rent supplement applications within each of its operational areas. Data published by the CSO suggest that rent levels rose by 1.5% in the last six months. Rents fell by about 10% over the previous two and a half years.

The review has also included consultation with the Department of the Environment, Heritage and Local Government. In addition, the Irish Council for Social Housing and a number of the voluntary agencies working in this area have made detailed submissions. This process will ensure that the new rent limits reflect realistic market conditions throughout the country and that they will continue to enable the different cat-
egories of eligible tenant households to secure and retain suitable rented accommodation to meet their respective needs. I intend to introduce new regulations on this shortly.

**Question No. 50 answered with Question No. 15.**

### Anti-Poverty Strategy.

51. **Mr. Costello** asked the Minister for Social and Family Affairs if he has met with the Bankers Federation of Ireland to discuss the report *Do the Poor Pay More?* in view of its finding that the poor are being pushed towards moneylenders due to the fact that they are unable to open bank accounts; the outcome of any such meeting; the specific requests he made or intends to make to the federation to address this situation; and if he will make a statement on the matter. [23018/05]

54. **Mr. Gilmore** asked the Minister for Social and Family Affairs if he has met with the IBF to discuss the report *Do the Poor Pay More?* (details supplied) in view of its recommendation that the ESB should be asked if it was evading regulation by charging 22.9% interest on hire purchase agreements; the outcome of any such meeting; the specific requests he made or intends to make to the ESB to address this situation; and if he will make a statement on the matter. [23019/05]

61. **Mr. G. Murphy** asked the Minister for Social and Family Affairs if he has met with the ESB to discuss the report, *Do the Poor Pay More?*, which was funded by the money advice and budgeting service, MABS, which provides assistance to people experiencing difficulty in meeting repayments on borrowings. There are 52 independent companies nationwide operating the service.

The MABS programme provides money advice, including the publication of information on money management and debt counselling, to individuals and families who have problems with debt, particularly indebtedness to moneylenders, and who are on low incomes or are in receipt of social welfare payments. The service places an emphasis on practical budget based measures that help people to move permanently from dependence on moneylenders and to access alternative sources of low cost credit. In the year ending December 2004, MABS dealt with over 16,000 new clients and 13,600 are being dealt with on an ongoing basis.

I recently launched the OPEN report *“Do the Poor Pay More?”* which was funded by the money advice and budgeting service and the Combat Poverty Agency. The report shows that many lone parents do not have access to mainstream banking and are therefore more likely to be indebted to high interest lenders such as moneylenders and hire purchase companies. Having considered the various findings and recommendations in the report regarding the practices of the utility companies and the financial industry, I held a series of meetings with the Irish Bankers’ Federation, IBF, ESB, Irish League of Credit Unions, ILCU, and the financial services regulator.

The meeting with the IBF focused on the following four issues: access to mainstream banking facilities, including credit options where appropriate, for lone parents and others on social welfare or low incomes; responsible lending practices to lone parents and others on welfare or low incomes; operationalisation of guidance notes regarding customer identification at local branch level; continued co-operation with the MABS service in dealing with over indebtedness issues when appropriate.

With regard to these specific matters, the banks have agreed to communicate with all retail member banks to ensure that staff are reminded of account opening procedures and the attendant customer identification requirements, including the range of documentation which will satisfy these requirements. They will also be in contact with the financial services regulator, IFSRA, to discuss how they might help promote their publication on “A guide to opening a Bank Account”.

The meeting with the ESB centred around the rate of interest being charged on its hire purchase agreements by FinancElectric. The ESB explained that its scoring system is more flexible than that of financial institutions and as a result it needs to charge a higher rate of interest. FinancElectric charges interest at various rates...
and some of its finance products are interest free. I have asked the ESB, in the context of the sale of its retail business, to ensure that in any transfer that takes place, those on low incomes and social welfare payments who are experiencing difficulty in servicing existing loans are treated in a sympathetic fashion.

The credit union movement has played a significant role in facilitating the development of the MABS. When I met with the Irish League of Credit Unions I was given every assurance that it would continue to play its part in assisting persons on welfare payments and low incomes to be financially included. It undertook to meet with the One Parent and Exchange Network and other interested groups to respond to issues highlighted in the OPEN research. A follow up meeting has since taken place between OPEN, MABS and the ILCU to investigate the possibility of introducing credit products to attract those who are currently borrowing from moneylenders.

I also met with the financial services regulator. He is currently undertaking research into issues surrounding access to financial services in conjunction with the Combat Poverty Agency. I look forward to getting this report, which is intended to be available later this year. The report will be of assistance in further developing appropriate policy responses to financial inclusion.

A good working relationship exists between MABS, the IFB, ILCU, utility companies and the financial regulator. Regular meetings take place regarding debt recovery practices between the service and these bodies and I have requested that my officials keep me briefed on developments.

Through its operation of the household budget scheme with An Post, my Department also assists people who receive certain social welfare payments with money management by enabling them to pay a regular amount towards various household bills by direct deduction from their payments. This scheme is used mainly to cover local authority rents and mortgages and utilities. There is provision under the supplementary allowance scheme, through its exceptional needs payments, whereby persons may qualify for once-off payments from the community welfare service to help prevent undue hardship at times of exceptional expenditure.

I believe financial inclusion is vital in the context of social inclusion overall and I will continue to monitor developments in this area.

Question No. 52 answered with Question No. 22.

Social Welfare Benefits.

53. Mr. Gormley asked the Minister for Social and Family Affairs if he will consider introducing index linked social welfare payments in view of recent and future increases in fuel costs. [23040/05]

Minister for Social and Family Affairs (Mr. Brennan): The social welfare benchmarking and indexation group, established under the terms of the Programme for Prosperity and Fairness, reported in September 2001. While it did not prove possible to reach consensus on the desirability of establishing a formal benchmark for social welfare rates, the group did produce the following majority recommendation:

Recognising that the exact rate was a matter for Government, and having balanced the various factors set out in the terms of reference, the majority of the Group considered that the target of 27% of GAIE [Gross Average Industrial Earnings] (on a current-year basis) for the lowest social welfare payments was not an unreasonable policy objective.

With regard to child related payments, the group recommended that the appropriate equivalence level of basic child income support should be set at 33%-35% of the minimum adult social welfare payment rate. The report of the group fed into the national anti-poverty strategy published in 2002. This revised strategy contains a specific commitment to:

To achieve a rate of €150 per week in 2002 terms for the lowest rates of social welfare to be met by 2007 and the appropriate equivalence level of basic child income support (i.e. Child Benefit and Child Dependent Allowances combined) to be set at 33%-35% of the minimum adult personal rate.

This commitment was also reiterated in the An Agreed Programme for Government and Sustaining Progress. In addition, the An Agreed Programme for Government also contains a commitment to “increase the basic State Pension to at least €200 by 2007”. The achievement of these commitments requires levels of increase well ahead of projected price inflation over the period. Considerable progress has already been made and I was happy to increase the lowest rates of welfare payments by over 10% in the last budget, an increase over four times ahead of projected inflation for the year. In addition, the level of child income support was maintained within the target equivalence levels provided for in the NAPS.

Over the period since 1997, the lowest social welfare rate has increased by 79% or a real increase ahead of price inflation of 37%. Over the same period, the rate of old age contributory pension has increased by 81% or a real increase of over 39%. I look forward to making further progress towards completing these ambitious commitments in the rates of welfare payments in the next two years.

Question No. 54 answered with Question No. 51.

55. Mr. Kenny asked the Minister for Social and Family Affairs if he intends to reduce the qualifying period for the back to education allowance to nine months; if so, when he will introduce this change; and if he will make a statement on the matter. [22906/05]
88. Mr. Connaughton asked the Minister for Social and Family Affairs if he has reconsidered reversing the qualifying period for the back to education allowance to nine months; when he expects this change to be made; and if he will make a statement on the matter. [22889/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 55 and 88 together.

The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The scheme is intended to benefit people who had difficulty finding employment because of a lack of educational qualifications. In many cases, people who have not completed second level education are held back in their efforts to obtain employment because of this. The qualification period for people who wish to pursue second level education is six months and the numbers taking second level education with the support of BTEA are increasing.

The conditions for entitlement to the third level option of the back to education allowance were revised with effect from September 2004. From that date, the qualifying period was increased from six months to 15 months for new applicants intending to commence third level courses of study. I reduced the qualifying period for access to the third level option of the scheme to 12 months in last December’s budget. I also increased the annual cost of education allowance, paid to people on BTEA, from £254 to €400. The number transferring to the third level option of the scheme is increasing.

These changes will take effect from 1 September 2005.

I have undertaken to the Dáil and the social affairs committee that I will continue to keep the qualifying period for this scheme under regular review. I have requested my officials to further examine the current arrangements to ensure that the scheme supports those people who are most distant from the labour market and whose need is greatest. In particular, I have requested that they examine how the scheme might be accessed by people in need of further education who have been identified under the employment action plan operated by FÁS in conjunction with my Department. I expect to be in a position to finalise this matter in July.

Question No. 56 answered with Question No. 29.

Social Welfare Policy.

57. Ms Burton asked the Minister for Social and Family Affairs if he has received a copy of the NESC report, The Developmental Welfare State; his views on its conclusion that addressing Ireland’s social problems has not been met with the same vigour as addressing economic issues over the past 20 years; his further views on whether many of Ireland’s social problems are worsening despite economic success; the efforts he is making to address this; and if he will make a statement on the matter. [23017/05]

Minister for Social and Family Affairs (Mr. Brennan): The National Economic and Social Council was established to consider strategic issues relating to the efficient development of the economy, the achievement of social justice and the development of a strategic framework for the conduct of relations and negotiation of agreements between the Government and the social partners. The council is chaired by the Secretary General of the Department of the Taoiseach and contains representatives of trade unions, employers, farmers’ organisations, NGOs, key Government Departments and independent experts. The Secretary General of my Department is a member of the council and the NESC in its acknowledgements paid particular tribute to the contribution of my Department to the drafting of the report.

The NESC’s report, entitled “The Developmental Welfare State”, examines the evolution of the Irish welfare state, considers the serious social deficits that remain despite Ireland’s economic progress and proposes a framework in which these deficits might be addressed, necessarily over an extended period. As with many NESC reports in the past, it addresses major issues of strategic importance as a contribution to debate on those issues. I envisage that the report will bring a similar level of debate to the social policy area as it has to economic development.

In the shorter term, the report will inform the forthcoming discussions that will feed into the NESC’s next strategy statement which may in turn influence thinking on a successor social partnership agreement to Sustaining Progress. NESC identifies as a key challenge the need for Ireland to devise a system of social protection in its widest sense rather than focusing on social welfare payments. NESC suggests that the welfare system should be seen as consisting of three overlapping elements: tax and welfare transfers, the provision of services; initiatives, such as the national disability strategy, which are more activist in addressing social problems.

The report makes a number of observations about income supports and, in particular, addresses the need to support people in moving back to employment while providing adequate support for those who cannot. While many of the recommendations in this regard resonate with efforts to make the social welfare system more active since the early 1990s, the NESC model allows these efforts to be seen in a more integrated fashion and strengthens the arguments for intensifying them.

The term “activist measures” encompasses a range of initiatives, including active labour market programmes such as the back to work allowance, the “special projects” developed and supported by the Department’s social and family support service, programmes to tackle edu-
cational disadvantage, such as the school completion, school meals and back to education programmes, and locally driven projects that seek to tackle various aspects of social exclusion.

I have no doubt that the NESC report will be influential in the coming years in the development of policy relating to social welfare and social development in general.


58. Mr. P. Breen asked the Minister for Social and Family Affairs if his Department has had any discussions with the Department of the Environment, Heritage and Local Government on the introduction of a special bin charge allowance for elderly persons; the progress which has been made to date; if he has proposals in this regard; and if he will make a statement on the matter. [22885/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department has held discussions with the Department of the Environment, Heritage and Local Government regarding aspects of the arrangements governing the collection and disposal of domestic waste. The matter is also being discussed through the social partnership process.

The discussions between the Departments have focused on establishing the facts about the level of charges for domestic waste management and the increasing role played by commercial operators in this area. It is clear from those discussions that this is a complex and evolving issue. The range of charges imposed varies considerably from area to area and from operator to operator. In addition, even where the total charges imposed by operators may be similar, the charging regimes vary quite considerably.

The setting of waste management charges and the introduction of waivers in respect of waste charges is, as stated by my colleague the Minister for the Environment, Heritage and Local Government, a matter for the each local authority and a number have done so. The introduction of a national social welfare scheme to address the issue is not considered feasible given the wide range of charging regimes and cost levels that exist in respect of waste management throughout the State. Any system put in place to assist people who rely on private domestic waste collection would have to be sensitive to the different local arrangements.

Questions Nos. 59 and 60 answered with Question No. 11.

Question No. 61 answered with Question No. 51.

62. Mr. Quinn asked the Minister for Social and Family Affairs the position with regard to the habitual residency condition for social welfare payments; if the concerns raised by the European Commission regarding the HRC have been clarified; if he will provide assurances that the HRC does not inflict poverty on persons arriving to Ireland; and if he will make a statement on the matter. [23027/05]

82. Mr. Kehoe asked the Minister for Social and Family Affairs when the review of the habitual residence condition will be finished; and if he will make a statement on the matter. [22904/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 62 and 82 together.

The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit with effect from 1 May 2004. The basis for the restriction contained in the new rules is the applicant’s habitual residence. The effect is that a person whose habitual residence is elsewhere is not paid certain social welfare payments on arrival in Ireland.

The question of what is a person’s habitual residence is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims. Each case received for a determination on the habitual residence condition is dealt with in its own right and a decision is based on application of the guidelines to the particular individual circumstances of each case. Any applicant who disagrees with the decision of a deciding officer has the right to appeal to the social welfare appeals office.

The EU Commission wrote to the Government on 22 December 2004 setting out a legal analysis of the new condition and its application to workers and their families. The Commission raised a number of issues concerning its compliance with EU law. Officials of my Department are currently engaged in discussion with the EU Commission officials with a view to clarifying the operation of the condition and addressing any issues raised. It is expected that these discussions will be concluded to the satisfaction of both parties by the end of this year.

I am not aware that the habitual residence condition is causing hardship to persons arriving in Ireland. The habitual residence condition is being operated in a careful manner to ensure that Ireland’s social welfare system is protected, while at the same time ensuring that people whose cases are appropriate to the system have access to it when they need it.

In addition, the operation of the habitual residence condition has been kept under review by officials of my Department since its introduction. A more systematic review of the operation of the condition is being carried out at present by my officials with a view to: assessing its impact on different categories of persons claiming social assistance-child benefit and supplementary welfare allowance payments; assessing the current organisational arrangements in the Department for administering the condition and the service provided to customers; identifying opportunities for improvements to the administration of the scheme, including those aspects involving other
Departments; examining all aspects of the decision making process; and identifying emerging policy issues and considering how these should be addressed.

Account is being taken of the views received from various groups and organisations who have an interest in the area. I expect the review to be completed by the end of the year.

Question No. 63 answered with Question No. 15.

64. Mr. Coveney asked the Minister for Social and Family Affairs the steps he has taken or proposals he has considered in making the social welfare system father friendly; and if he will make a statement on the matter. [22894/05]

Minister for Social and Family Affairs (Mr. Brennan): People are only identifiable in the social welfare scheme as parents when they have child dependants. Traditionally, the father was the main and often the sole breadwinner, with the mother, as the main care giver, being regarded as dependent on the father. Implementation of the principle of equal treatment for men and women in recent decades has in fact involved making the social welfare system both more mother and father friendly.

The mother, as normally the primary care giver, now generally receives child benefit payments which before had been payable to the father as the main breadwinner. There are no longer differences in payments or in eligibility conditions for men and women under the social welfare system and the concept of dependency has largely been removed. Both men and women are equally eligible for benefits or pensions if they become a lone parent but the majority of lone parents, some 88.5%, are women.

Recognition of the mother as primary care giver has meant that where the parents are separated, the mother usually retains custody of the children and, if there is eligibility, full entitlement to the one-parent family payment. The scheme as it currently operates, therefore, may not sufficiently facilitate or promote joint parenting and to that extent may not be sufficiently father friendly.

This is one of the issues being examined in a review of obstacles to employment faced by lone parents being carried out by a senior officials steering group which is due to report to the Cabinet committee on social inclusion by the end of July. Greater involvement of both parents in the rearing of their children is in the interests of all concerned and any changes to the social welfare system and, in particular, the one-parent family payment that may be needed to achieve that will be fully considered.

Social Welfare Benefits.

65. Mr. Allen asked the Minister for Social and Family Affairs the number of children awaiting assessment for the créche supplement by a social worker or health sector personal social services professional in each county; and if he will make a statement on the matter. [22883/05]

Minister for Social and Family Affairs (Mr. Brennan): Créche supplements were introduced in some of the former health boards some years ago to provide individual assistance through the supplementary welfare allowance scheme to parents wishing to use créches. This arose, for example, where a parent would not be able to avail of necessary supports such as counselling services or addiction treatment programmes without assistance towards the cost of child-minding.

The fact that these supplements were in payment for extended periods in many cases indicated that they had become a long-term child care support rather than the short-term social welfare intervention which was originally intended. In effect, long-term child care needs were being provided through a short-term income support scheme.

It is more appropriate that community operated or “not-for-profit” child care facilities in disadvantaged areas would be supported in a more direct and sustainable manner than indirectly through the short-term supplementary welfare allowance scheme. This approach has been successfully adopted in certain Health Service Executive areas where former health boards provided significant grant aid directly to community child care-crèche facilities.

More generally, the Department of Justice, Equality and Law Reform has a significant financial support mechanism in place through its equal opportunities child care programme, particularly aimed at supporting parents who want to take up educational, training or employment opportunities. The Department of Education and Science also operates an Early Start pre-school programme aimed at children in the three to four year age range.

The facilities supported directly through these mechanisms are able to provide child care facilities at low or no cost to disadvantaged families, who do not then have to rely on supplementary welfare allowance on an ongoing basis. Notwithstanding this, new crèche supplements may be made available by the executive in specific instances where a public health nurse or health service social worker recommends that a child in difficult circumstances would benefit by attending a community crèche, or that the parent or parents of a child needs to avail of counselling services, addiction treatments or similar and that crèche services are required to facilitate this.

In each such instance the executive must be satisfied that all the relevant circumstances are taken into account, for example, the person’s ability to pay for or provide the service from an alternative source, in determining if a supplement is warranted in each case recommended by the professional worker involved. My Department has no responsibility for the health service professionals who refer people to community welfare
officers for consideration of a crèche supplement under the supplementary welfare allowance scheme. Accordingly, I do not have information on how many families or children are awaiting a professional assessment by public health nurses or health service social workers.

However, my Department’s computer system shows that there are currently 538 crèche supplements in payment. Some 306 of these were awarded by community welfare officers following the issue of the guidelines by my Department to the Health Service Executive at the end of January last setting out the new provisions. According to computer records only 16 crèche supplement applicants are awaiting a decision at present.

I am satisfied that the community welfare service is in a position to deal with any referrals from public health nurses or social workers as the cases arise.

Question No. 66 answered with Question No. 51.

Question No. 67 answered with Question No. 44.

Question No. 68 answered with Question No. 11.

Question No. 69 answered with Question No. 29.

Question No. 70 answered with Question No. 6.

Questions Nos. 71 and 72 answered with Question No. 11.

Pension Provisions.

73. Ms O’Sullivan asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that thousands of construction workers are affected by the failure of their employers to pay into the registered employment agreement covering all construction industry employees and that the number of complaints to the pensions ombudsman regarding abuses of this scheme have risen dramatically in 2005; the efforts he will make to ensure stricter enforcement of this scheme; and if he will make a statement on the matter. [23026/05]

Minister for Social and Family Affairs (Mr. Brennan): The Construction Federation Operatives pension scheme is constituted as a registered employment agreement under the Industrial Relations Act 1946. The agreement was put in place in 1969 and it requires employers in the industry to provide specific pension benefits for their direct employees.

Responsibility for various aspects of the scheme is divided between a number of agencies, including the Department of Enterprise, Trade and Employment, the Labour Court, the Construction Industry Monitoring Agency and the Pensions Board. The issues associated with this scheme are many and complex and anyone familiar with the scheme will accept that there are serious problems to be addressed. Employers are not registering for the scheme; where they are registered, in many cases, they are not paying contributions for all their employees and, in some cases, deductions are being made and are not being remitted to the scheme trustees. With regard to the latter, failure to remit deducted contributions is an offence under the Pensions Act and the Pensions Board investigates any cases brought to its attention.

My Department and the Pensions Board are aware of the problems with the scheme and, while many of the problems are not within its remit, the Pensions Board has facilitated an examination of the situation by Mercer Consultants. The brief for this exercise covers, among other things, identifying the areas of non-compliance and making recommendations on methods of addressing these problems which are likely to be successful in achieving the scheme’s objective.

I understand that the Mercer report will be completed shortly and it will be examined in detail thereafter by all concerned with a view to implementation, as appropriate. SIPTU, in a recent meeting with me, put forward proposals on the compulsory deduction of contributions and these are being considered in the context of the review.

Only contractors who are fully compliant in respect of their pensions and benefits obligations should be awarded public sector contracts. In this regard, I have been in touch with my colleague, the Minister for Finance, to ask him to ensure that guidelines on public sector procurement relating to compliance with the construction industry scheme are observed by contracting authorities.

Social Welfare Benefits.

74. Mr. Naughten asked the Minister for Social and Family Affairs his plans to review the means test for farmers applying for the old age non-contributory pension; and if he will make a statement on the matter. [22881/05]

Minister for Social and Family Affairs (Mr. Brennan): I understand that the Deputy is concerned in particular about the current arrangements applying in the case of old age pension where a landholder leases land or is otherwise in possession of land which is lying fallow or idle.

Where land is let on short-term lettings such as the 11 month system, the income from such lettings is calculated as cash income for the purpose of the means assessment for old age pension. Necessary expenses incurred by the owner, such as auctioneer fees, fencing or fertilising between lettings are deducted from the gross letting income.

Where land is lying fallow or idle, there are two options for the assessment of means. If the Department is satisfied that the pension claimant
is, that an employer/employee relationship does not exist. Whether a person is working as an employee or in a self-employed capacity is determined by reference to a range of objective criteria which arise from case law. These criteria are outlined in the information leaflet “Employed or Self-Employed — a guide to Tax and Social Insurance”, which is published jointly by the Revenue Commissioners and my Department, as well as in the guides on relevant contract tax published by the Revenue Commissioners. A worker who is unsure of his or her employment status, or a representative such as a trade union, may request a formal determination from Scope section in my Department of the nature of the contract.

Self-employed workers using the RCTDC, in common with other self-employed workers, are compulsorily insured under the Social Welfare Acts at PRSI class S. Subject to an adequate insurance record, they are eligible for the following payments: widow’s/widower’s contributory pension, orphan’s contributory allowance, old age contributory pension, maternity benefit, adoptive benefit, bereavement grant.

Contributions paid by self-employed persons at PRSI class S are not reckonable for any short-term benefits including dental or optical benefits. To extend the range of benefits payable would mean an appreciable increase in the rate of contributions and would have to be considered in a budgetary context.
education, proactive consultative processes to seek the views of people with disabilities, physical access to departmental premises, specific measures for visually or hearing impaired customers. It also describes the role of Comhairle in meeting the needs of people with disabilities, including the new personal advocacy service to be provided under the Comhairle (Amendment) Bill 2004. It was published in outline form in order to allow a period of consultation and discussion with relevant interested persons/groups before the plan is finalised and laid before the Dáil for approval.

The consultation process involves two major initiatives, the first of which has just been completed. It involved four regional briefings facilitated by the National Disability Authority and was designed to provide information on the contents of the plan and to seek informed feedback. The target audiences for the briefings were people with disabilities, carers, advocates, family members and friends, service providers and the general public. A report on the outputs from the four briefings is being compiled by the National Disability Authority.

The second initiative involves using the existing opportunities we have in place in my Department to get feedback and views from our customers with disabilities. We propose to seek feedback on our outline plan through the disability consultative forum which has been in operation since 1996. This forum comprises representatives of the principal disability organisations and service providers and meets on a quarterly basis. It acts as a channel to communicate the views of the relevant organisations to the Department and makes recommendations which can impact on policy formulation.

I am satisfied that, when finalised, the sectoral plan will provide a focus for the future development of services, provided by my Department, for people with disabilities and will include regular reporting on activities and improvements planned for the future. Production of sectoral plans is a matter for individual Departments. My colleague, the Minister for Justice, Equality and Law Reform, has overall responsibility regarding the Disability Bill.

Question No. 80 answered with Question No. 33.

Question No. 81 answered with Question No. 51.

Question No. 82 answered with Question No. 62.

Question No. 83 answered with Question No. 6.

Question No. 84 answered with Question No. 29.

86. Mr. Cuffe asked the Minister for Social and Family Affairs if he intends to act on the findings of the recent study, “Disability and Social Inclusion in Ireland”, which shows the extent of barriers to full participation in society for disabled persons. [23036/05]

371. Mr. Stanton asked the Minister for Social and Family Affairs the details of the measures, programmes or supports his Department has in place to increase the participation rate of persons with disabilities in society; and if he will make a statement on the matter. [23529/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 86 and 371 together.

It is clear from the ESRI report, “Disability and Social Inclusion in Ireland”, that the barriers faced by people with disabilities and, indeed, other groups who are vulnerable to poverty and social exclusion, are multi-faceted and require a multi-agency response. The National Action Plan against Poverty and Social Exclusion 2003-2005 sets out the framework for the Government’s response to these problems. The current plan sets out the range of policies and programmes, such as income and employment supports, health and education, which are being undertaken by relevant Departments aimed at reducing or eliminating poverty and social exclusion.

The national action plan specifically targets people with disabilities as one of a number of groups who are particularly vulnerable to poverty and social exclusion. The overall aim for people with disabilities is to increase their participation in work and society generally and to assist them and their families to lead full and independent lives. The plan details specific targets and actions which include rehabilitative training provision and skills development; increased participation in third level education; specific employment supports for people with disabilities and employers; access to health care; and care of people with disabilities.

The office for social inclusion, OSI, which is based in my Department, has overall responsibility for developing, co-ordinating and driving the national action plan. The OSI is currently completing a comprehensive review of progress against the targets contained in the current plan and a progress report will be submitted to the EU by the end of this month.

The Government remains committed to continuing efforts to alleviate poverty, especially for those who have not been in a position to benefit from the employment opportunities afforded by high economic growth. During the period 2001 to 2005, there were substantial real increases in social welfare rates, with the lowest rates increasing by 40% while the consumer price index
increased by just over 13%. As a result of budget 2005, social welfare payments have increased by three times the expected rate of inflation. Government policy is to increase the level of social welfare over the period to 2007 and this commitment will be delivered. This will benefit all social welfare recipients, including those in receipt of disability payments.

Question No. 87 answered with Question No. 19.

Question No. 88 answered with Question No. 55.

Question No. 89 answered with Question No. 19.

90. Mr. P. McGrath asked the Minister for Social and Family Affairs when he intends to introduce the advocacy service for persons with disabilities; and if he will make a statement on the matter. [22912/05]

Minister for Social and Family Affairs (Mr. Brennan): The introduction of a personal advocacy service for people with disabilities is provided for in the Comhairle (Amendment) Bill 2004 which was published last September in conjunction with the Disability Bill 2004. The Bill aims to confer additional and enhanced functions on Comhairle, the national information agency, which will enable it to introduce a personal advocacy service for people with disabilities.

The new service will provide for the assignment of a personal advocate to assist, support and represent a person with a disability in applying for and obtaining social services and also in pursuing any right of review or appeal in connection with those services. As announced in this year’s budget package, additional funding of €1 million has been provided to Comhairle to enable the groundwork to commence on the introduction of the new service. It is envisaged that the new personal advocacy service will be introduced in early 2008.

Social Welfare Benefits.

91. Mr. English asked the Minister for Social and Family Affairs if and when he intends to introduce new regulations for the diet supplement; and if he will make a statement on the matter. [22909/05]

Minister for Social and Family Affairs (Mr. Brennan): Diet 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. Any person receiving a social welfare or health service executive payment, who has been prescribed a special diet as a result of a specified medical condition and who is unable to provide for his or her food needs from within his or her own resources, may qualify for a diet supplement under the supplementary welfare allowance scheme.

Diet supplements are subject to a means test. Under the existing scheme, the amount of supplement payable in individual cases depends on which of two categories of diet — low cost or high cost — has been prescribed by the applicant’s medical adviser and the household income.

To inform a re-appraisal of the scheme, my Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute. The study examined the special diets prescribed in legislation for which assistance is available through the existing diet supplement scheme. The study also considered the appropriate level of assistance required to cater for any additional costs involved in providing for necessary special diets, relative to the cost of a normal healthy eating diet.

The findings of this research study have been assessed by my Department to determine how the diet supplement scheme should be developed. Development of a new scheme is complex, as the report points out that certain diet conditions covered under the existing scheme should be adjusted to reflect the latest medical and dietary thinking and the fact that more healthy food products are now widely available.

I intend to introduce regulations shortly to update the scheme as appropriate, taking account of the study findings. In finalising the revised scheme and regulations, I want to make sure that any new supplement coverage and payment rates put in place continue to enable people on low incomes to meet the identified extra cost of the recommended special diets need. In the meantime, diet supplements continue to be provided for existing recipients and new applicants as heretofore.

Medical Cards.

92. Mr. Neville asked the Tánaiste and Minister for Health and Children the position regarding the renewal of medical cards for persons (details supplied) in County Limerick. [23538/05]

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 reply directly to the Deputy.

Health Services.

93. Mr. Deenihan asked the Tánaiste and Minister for Health and Children if funding will be made available for the development of a sexual assault treatment unit in Kerry General Hospital;
and if she will make a statement on the matter. [23704/05]

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 reply directly to the Deputy.

Hospitals Building Programme.

94. Mr. Kehoe asked the Tánaiste and Minister for Health and Children when work will commence on the 21 bed unit at Wexford General Hospital; the stage the work is at; the number of stages it must go through; and if she will make a statement on the matter. [23583/05]

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 existing or new capital proposals in the health capital programme. Accordingly, my Department has requested the parliamentary affairs division of the executive to reply directly to the Deputy.

Parliamentary Questions.

95. Mr. Kehoe asked the Tánaiste and Minister for Health and Children when this Deputy will receive a reply to Parliamentary Question No. 145 of 22 June 2005; and if she will make a statement on the matter. [23584/05]

Tánaiste and Minister for Health and Children (Ms Harney): As stated in my interim reply of 22 June 2005 the information requested is being compiled and will be forwarded to the Deputy as soon as possible.

The Deputy will be aware that the information requested refers to the period from June 1997 to date. The range of items mentioned and the amount of detail required will involve obtaining information from most of the units in the Department. The task of compiling and collating this information will of necessity involve a significant amount of staff time and resources. However, it is hoped that the information will be available for the Deputy by the second week in July.

Health Services.

96. Cecilia Keaveney asked the Tánaiste and Minister for Health and Children if there is a means by which the recommendations of a group (details supplied) can be progressed; and if she will make a statement on the matter. [23585/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The north west alcohol forum is a multi-sectoral community initiative comprised of people in the north west with a special interest in alcohol abuse. It was established in response to the interim report of the strategic task force on alcohol 2002. The forum published a report in June 2004 entitled “A Portrait of Our Drinking”. This outlined local and national data in describing the impact of alcohol misuse on the region. The report contains a number of recommendations aimed at reducing alcohol related harm. I have reviewed the recommendations and have asked my officials to examine, in conjunction with the north west alcohol forum, ways in which the recommendations can be advanced.

97. Cecilia Keaveney asked the Tánaiste and Minister for Health and Children the contacts she has with her counterparts in Northern Ireland to help advance, in a logical manner, the development of medical services on the island of Ireland; and if she will make a statement on the matter. [23586/05]

Tánaiste and Minister for Health and Children (Ms Harney): There is a high degree of co-operation between the health administrations, North and South. For many years, regular meetings at ministerial, secretary general and official levels have afforded the opportunity to exchange information on issues of mutual interest and to discuss policy developments in our respective administrations.

With the establishment of the North South Ministerial Council, the health agenda became formalised when five areas were designated for health co-operation. As the Deputy will be aware, the areas are accident and emergency services, planning for major emergencies, cancer research, high technology equipment and health promotion. Although the council has not been meeting since the suspension of devolved government in Northern Ireland, North-South contacts continue in these areas and steady progress continues to be made.

So far as ministerial contact is concerned, I look forward to my first meeting with my counterpart, the Northern Ireland Minister for Health, Social Services and Public Safety, Mr. Shaun Woodward, on 5 July, in Dublin, when we plan to discuss a number of areas of mutual interest. Mr. Woodward has expressed a particular interest in our tobacco control measures in the South and I intend to raise a number of cross-Border services issues with him where I feel that there are possibilities for cross-Border working.

At secretary general level, there has been a long tradition of meetings once or twice a year. The most recent of these was on 1 February this year. This practice has operated very successfully as both an initiating and a consolidating influence on health relations North and South in the broad sense.
[Ms Harney.] Under an initiative emanating from the North South Ministerial Council on obstacles to cross-Border mobility, officials of my Department and of its counterpart, the Northern Ireland Department of Health, Social Services and Public Safety, established a working group to examine ways and means of addressing perceived obstacles to mutual recognition of qualifications in the medical profession. The working group has sought input to its deliberations from both the professional and regulatory bodies and from major employers of health staff. The group is nearing the completion of its remit and I look forward to its conclusions.

Apart from the involvement of the two Departments, a most valuable asset is available to us for active cross-Border co-operation at the local level. This is Co-operation and Working Together, CAWT, which is representative of the health authorities, North and South, in the Border area. Its aim is to improve the health and social well being of the population in this area and it has long been appreciated for its work and achievements in this role.

This is a snapshot of cross-Border health relations at the present time. In accordance with a decision by the Government at the end of May, there will be a continued emphasis on North-South co-operation to address health and social well being of the people of the Border area. Its aim is to improve the health and social well being of the population in this area and it has long been appreciated for its work and achievements in this role.

Hospitals Building Programme.

98. Mr. English asked the Tánaiste and Minister for Health and Children her plans for a capital investment scheme for Our Lady’s Hospital in Navan; and if she will make a statement on the matter. [23589/05]

99. Mr. English asked the Tánaiste and Minister for Health and Children the reason 30 beds are lying idle in the male orthopaedic unit of Our Lady’s Hospital in Navan; the plans in place to open these beds for utilisation; the timeframe involved; and if she will make a statement on the matter. [23592/05]

100. Mr. English asked the Tánaiste and Minister for Health and Children when persons under the age of 16 years will be admitted to the accident and emergency unit at Our Lady’s Hospital in Navan; and if she will make a statement on the matter. [23593/05]

101. Mr. English asked the Tánaiste and Minister for Health and Children the reason 30 beds are lying idle in the male orthopaedic unit of Our Lady’s Hospital in Navan; the plans in place to open these beds for utilisation; the timeframe involved; and if she will make a statement on the matter. [23594/05]

102. Mr. English asked the Tánaiste and Minister for Health and Children when a CT scanner will be provided for Our Lady’s Hospital in Navan; the timeframe involved; the reason for the delay in supply of same; and if she will make a statement on the matter. [23595/05]

103. Mr. English asked the Tánaiste and Minister for Health and Children if there are plans by the Government to provide additional consultants or surgeons to the medical, surgical or orthopaedic departments of Our Lady’s Hospital in Navan; and if she will make a statement on the matter. [23596/05]

104. Mr. English asked the Tánaiste and Minister for Health and Children when persons under the age of 16 years will be admitted to the accident and emergency unit at Our Lady’s Hospital in Navan; and if she will make a statement on the matter. [23597/05]

105. Mr. English asked the Tánaiste and Minister for Health and Children her Department’s strategic plan for the development of health care for the people of Meath and the north east; and if she will make a statement on the matter. [23598/05]

106. Mr. English asked the Tánaiste and Minister for Health and Children when persons under the age of 16 years will be admitted to the accident and emergency unit at Our Lady’s Hospital in Navan; and if she will make a statement on the matter. [23599/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 98 and 99 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 executive to have replies issued directly to the Deputy.

Health Services.

105. Mr. English asked the Tánaiste and Minister for Health and Children her Department’s strategic plan for the development of health care for the people of Meath and the north east; and if she will make a statement on the matter. [23596/05]

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 reply directly to the Deputy.

**Question No. 106 answered with Question No. 100.**

107. Mr. English asked the Tánaiste and Minister for Health and Children when she will announce a strategic plan for the provision of maternity services for the residents of Meath who currently travel to Drogheda or Dublin for such services; and if she will make a statement on the matter. [23598/05]

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 reply directly to the Deputy.

**Cancer Screening.**

108. Mr. Aylward asked the Tánaiste and Minister for Health and Children when the national breast screening programme approved in 2003 for the south east region will be available in County Kilkenny; and if she will make a statement on the matter. [23599/05]

Tánaiste and Minister for Health and Children (Ms Harney): The expansion of the current breast screening programme to counties Carlow, Kilkenny and Wexford and the roll out to the remaining regions in the country is a major priority in the development of cancer services. The expansion of the programme to counties Carlow, Kilkenny and Wexford will result in approximately 18,000 women in the target age group of 50 to 64 years being invited for breast screening. Screening commenced in Wexford in March 2004 and in Carlow in April this year. BreastCheck expects to commence screening in Kilkenny early in 2006.

**Health Insurance.**

109. Mr. N. O’Keeffe asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious consequences for 250 jobs in County Cork if risk equalisation in the health insurance market is introduced; if a company (details supplied) does not remain here the way in which the remaining health insurance company will raise the additional funds it says it requires under risk equalisation. [23600/05]

123. Mr. Perry asked the Tánaiste and Minister for Health and Children the reason subscribers of a company (details supplied) should be unfairly and unjustly treated with regard to the proposed introduction of the system known as risk equalisation which she plans on putting into place; and if she will make a statement on the matter. [23789/05]

125. Mr. P. Breen asked the Tánaiste and Minister for Health and Children if she proposes to introduce the system known as risk equalisation for customers of a company (details supplied); if so, the reason the money has to be paid to the VHI and the ESB; and if she will make a statement on the matter. [23792/05]

194. Mr. Bruton asked the Tánaiste and Minister for Health and Children her views on whether new entrants to the health insurance market have yet obtained sufficient market share to be able to carry the cost of contributions to the risk equalisation fund; and her further views on whether the extra cost will force up premiums for customers and risk damaging the emergence of long-term competition to the VHI. [24023/05]

**Risk Equalisation.**

Both the principle and detail of providing for risk equalisation in the Irish voluntary health insurance market have been the subject of widespread consultation, analysis and extensive examination over a number of years. In addition to consultations carried out by my Department in the matter, the process has involved assessment of the issue by authoritative independent bodies, both nationally and internationally, and by EU Commission services.
Recourse to risk equalisation has been, and is, a feature of the market since enactment of the Health Insurance Act 1994. The original 1996 risk equalisation scheme was signed into law in March 1996. It was revoked in 1998 in the context of the preparation of a White Paper on private health insurance and in the clear understanding that it would be replaced. Following widespread public consultation the 2001 Health Insurance (Amendment) Act amended the risk equalisation provisions contained in the 1994 Act, principally, as follows: the enhancement of the role of the independent Health Insurance Authority and revision of the criteria by which risk equalisation would have been triggered — under the previous scheme an automatic triggering applied when the market equalisation percentage exceeded 2%.

In January 2003, the Irish authorities formally notified the EU Commission of the scheme now in place. The Commission notified the Irish authorities in May 2003 that it had decided not to raise objections to the scheme on state aid grounds. This decision is being appealed by BUPA to the Court of First Instance.

The provisions of the health insurance Acts provide that in considering whether risk equalisation transfers are warranted, the best overall interests of health insurance consumers include a reference to the need to maintain the application of community rating across the market for health insurance and to facilitate competition between undertakings. Any decision on the commencement of risk equalisation will not, therefore, be taken by reference to the specific insurance undertakings. The position regarding new entrants to the market is that they enjoy a three year exemption from risk equalisation payments. In addition, any liability in the fourth year is limited to 50% of that which would have been due in the normal course. It is not accepted that risk equalisation, if introduced, would be either unfair or unjust.

Nursing Home Subventions.

10. Mr. Wall asked the Tánaiste and Minister for Health and Children the reason a decision has not been reached in regard to an application for nursing home subvention for a person (details supplied) in County Kildare; when a decision will be made; and if she will make a statement on the matter. [23601/05]

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 reply directly to the Deputy.

Health Services.

111. Mr. O’Connor asked the Tánaiste and Minister for Health and Children the funding being allocated in 2005 to tackle asthma and allergies; and if she will make a statement on the matter. [23602/05]

Tánaiste and Minister for Health and Children (Ms Harney): There is currently no specific funding allocated from within my Department regarding asthma and allergies. Treatment is funded through provision of therapies under the community drug schemes and by provision of treatment in general practice and in secondary care.

Services for People with Disabilities.

112. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if a shower seat will be provided for a person (details supplied) in County Carlow; and if a decision will be expedited. [23604/05]

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 reply directly to the Deputy.

113. Mr. Gregory asked the Tánaiste and Minister for Health and Children the details of the service available at Woodlawn to a person (details supplied); if the service is designed for autistic persons; the number of other autistic persons receiving the service there; the length of time the service has been available; if all the personnel involved are fully trained for this task; if the service is headed by a psychiatrist for a child with no psychiatric illness; the reason the service is not headed by a psychologist with the necessary training in behavioural psychology; the details of the educational component in the service provided; if, pending the development of the service in Woodlawn, interim funding will be provided to send this person to the internationally recognised facility in Bangor; and if she will make a statement on the matter. [23605/05]

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.

114. Dr. Upton asked the Tánaiste and Mini-
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 reply directly to the Deputy.

Services for People with Disabilities.

115. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children, further to the Government’s announcements of increased capital investment in disability services in 2004, the number of new community placements which have been provided in the north east region generally and specifically in Counties Cavan and Monaghan; the number which will have been created by end of 2005; and if she will make a statement on the matter. [23607/05]

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 a reply issued directly to the Deputy.

Health Service Staff.

116. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the number of new staff who have been recruited to provide disability services in the north-east region generally and specifically in Counties Cavan and Monaghan; and their respective positions. [23608/05]

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 have a reply issued directly to the Deputy.

117. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the extent of the ban on recruitment in the health and social services that come under her Department; the way in which this affects disability services generally in the north east area and in Counties Cavan and Monaghan. [23609/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): There is currently no embargo on recruitment of staff in the health services. However, the management of the employment ceiling for the health sector is a matter for the Health Service Executive, which may prioritise certain areas in line with the service priorities set out in its service plan for 2005.

Services for People with Disabilities.

118. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children if there is a ban on the creation of new community placements for disability services. [23610/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): There is currently no embargo on recruitment of staff in the health services. However, the management of the employment ceiling for the health sector is a matter for the Health Service Executive, which may prioritise certain areas in line with the service priorities set out in its service plan for 2005.

119. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children if she will refute the claim that disability services have been advised that no additional services are to be provided in the north east region, irrespective of their urgency. [23611/05]

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 have a reply issued directly to the Deputy.

Medical Cards.

120. Mr. Neville asked the Tánaiste and Minister for Health and Children when a medical card will be restored for a person (details supplied) in County Limerick. [23612/05]

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 have a reply issued directly to the Deputy.

Nursing Home Charges.

121. Mr. Neville asked the Tánaiste and Minister for Health and Children if she will report on her plans for refund of moneys under the national repayment scheme for overcharging of residents at public nursing institutions. [23613/05]

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 scheme will not provide for repayments to the estates of those who died more than six years ago. The repayments will include both the actual charge paid and an amount to take account of inflation, using the CPI, since the time the person involved was charged.

Legislation will be brought before the Oireachtas in the autumn to underpin the scheme. One of the objectives of the legislation will be to put in place procedures which will protect vulnerable people from exploitation given that significant repayments in some cases will be paid to them. In the case of those who were charged and are still alive, the repayments will be exempt from tax and will not be taken into account in assessing means for health and social welfare benefits. The normal tax and means assessment arrangements will apply to those who benefit from repayments to estates.

An outside company with experience in handling mass claims will be engaged to design and manage the scheme within the parameters of the key principles approved by Government. The Health Services Executive is finalising an advertisement in the Official Journal to obtain expressions of interest from companies that would design and manage the repayments scheme. The company selected will work closely with the HSE to ensure that the co-operation is forthcoming on records held by the health agencies. It is anticipated that a company will be selected over the summer and will begin work in early autumn on the design of the scheme.

An oversight committee has been appointed by the Tánaiste to monitor the implementation of the repayment scheme. The committee will be chaired by Dr. Bernard Walsh, a geriatrician in St. James’s Hospital, and its task will be to ensure that proper governance is applied by the HSE and the company to the scheme.

The scheme will be designed and managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible and with the minimum possible imposition in terms of bureaucracy. Priority will be given to those who are still alive. Many of those eligible for repayments have already been identified under the ex gratia payments process. The scheme will include a transparent and thorough appeals process. The legislation will include appropriate safeguards to prevent exploitation of those who receive repayments and are not in a position to manage their own financial affairs. The scheme will include a provision to allow those eligible for a repayment to waive their right to a repayment and have the money assigned to fund one-off service improvements in elderly, mental health and disability services.

It is estimated that about 20,000 people who are still alive and a further 40,000 to 50,000 estates will benefit. It is estimated that the scheme will cost approximately €1 billion. The decision to limit payments to the estates of those who died in the past six years reflects the reference in the Supreme Court judgment to the Statute of Limitations.

The national helpline set up by the Health Services Executive to allow people to register if they believe they are due a repayment will continue to operate but there is no need for anyone who has already registered using this facility to make contact with the HSE again to register for the scheme.

Any person who considers that he or she 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.

Hospitals Building Programme.

122. Mr. Neville asked the Tánaiste and Minister for Health and Children the position regarding the provision of an Alzheimer’s unit at St. Ita’s Hospital, Newcastle West, County Limerick. [23614/05]

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 have a reply issued directly to the Deputy.

Question No. 123 answered with Question No. 109.

Medical Cards.

124. Ms McManus asked the Tánaiste and Minister for Health and Children the number of persons in receipt of medical cards at the latest date for which figures are available by county; and if she will make a statement on the matter. [23791/05]

136. Caoimhghin Ó Caoláin asked the Tánaiste and Minister for Health and Children the number of persons with medical cards in June 2004; and the number in June 2005; and if she will make a statement on the matter. [23803/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 124 and 136 together.
The number of persons covered by a medical card at June 2005 by county is set out in the table.

<table>
<thead>
<tr>
<th>County</th>
<th>No. of persons covered by a medical card</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dublin</td>
<td>274,452</td>
</tr>
<tr>
<td>Kildare</td>
<td>36,709</td>
</tr>
<tr>
<td>Wicklow</td>
<td>27,665</td>
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<tr>
<td>Laois</td>
<td>16,960</td>
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<td>Longford</td>
<td>12,444</td>
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<tr>
<td>Offaly</td>
<td>19,440</td>
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<td>Westmeath</td>
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<td><strong>Total</strong></td>
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The total number of persons covered by a medical card in June 2004 was 1,154,411. In the 12 month period the reduction in medical card coverage was 0.6%. This is mainly attributable to increases in household incomes and the management of the medical card databases. In January, income guidelines and allowances for dependants were increased across the board by a minimum of 7.5%. Within the past week, fundamental reform of the income assessment process has been agreed and published.

Applications for medical cards and GP visit cards will be assessed on the disposable income of the applicant/spouse, and the reasonable expenses of child care, rent/mortgage and the costs of commuting to work will also be allowed. These significant improvements are aimed at ensuring that 1.378 million persons will be entitled to medical cards and GP visit cards by the end of 2005.

**Question No. 125 answered with Question No. 109.**

**Health Service Staff.**

126. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the post for a speech and language therapist will be replaced for a school (details supplied) in County Clare; and if she will make a statement on the matter. [23793/05]

**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 have a reply issued directly to the Deputy.

**Health Services.**

127. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if, in view of the alarming statistics released by the Health Minister in the Northern Ireland Office on the number of persons under the age of 25 admitted to hospital in the Six Counties for alcohol related illness during 2003/2004 in circumstances in which a serious alcohol related illness was either the primary or secondary diagnosis, her Department has similar figures compiled over the past number of years; and if there has been an increase in admissions to Tallaght hospital regarding this abuse. [23794/05]

128. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if, in view of the alarming statistics released by the Health Minister in the Northern Ireland Office on the number of persons under the age of 25 admitted to hospital in the Six Counties for alcohol related illness during 2003/2004 in circumstances in which a serious alcohol related illness was either the primary or secondary diagnosis, her Department has similar figures compiled over the past number of years; and if there has been an increase in admissions to Dublin hospitals due to this abuse. [23795/05]

129. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if, in view of the concern regarding the amount of persons admitted to hospital in cases in which serious alcohol and drug abuse was either the primary or secondary diagnosis, there has been an increase in admissions to hospitals due to this abuse; and if she has plans to introduce a segregated system particularly for elderly patients in accident and emergency wards. [23796/05]

130. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if, in view of the alarming statistics released by the Health Minister in the Northern Ireland Office on the number of persons under the age of 25 admitted to hospital in the Six Counties for alcohol related illness during 2003/2004 in circumstances in which a serious alcohol related illness was either the primary or secondary diagnosis, her Department has similar figures compiled over the past number of years; and if there has been an increase in
admissions to our hospitals due to this abuse. [23797/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 127 to 130, inclusive, together.

Details of the number of admissions to Irish psychiatric units and psychiatric hospitals for alcoholic disorders are contained in the “Activities of Irish Psychiatric Services” from the Health Research Board. The most recent report is for 2003. The data show that 2,752 persons under the age of 25, representing 12% of all admissions, were admitted as a result of alcoholic disorders in 2003.

The hospital inpatient inquiry or HIPE system is the principal source of national data on discharges from acute hospitals in Ireland. The HIPE system records the clinical condition chiefly responsible for the patient’s admission to hospital care. Excessive consumption of alcohol can be a strong contributory factor in a wide variety of medical and psychiatric conditions which themselves can be a reason for admission to hospital. It is not possible to identify in many cases whether excessive alcohol consumption may be the underlying cause of admission.

The results of the alcohol and injuries study commissioned by the health promotion unit of my Department are expected to be available in the coming months. The purpose of the study was to establish the extent of alcohol related problems in the accident and emergency departments of acute hospitals. The study is expected to provide further evidence of the incidence of alcohol abuse and resultant attendance at accident and emergency departments.

Following on a separate study by the HSE eastern region, measures have been identified to reduce and eliminate inappropriate presentations at accident and emergency departments by those with alcohol problems and provide more effective and responsive services to clients. These measures include establishing a targeted response to people with alcohol problems, both underlying and explicit, who present at accident and emergency departments. Currently, many accident and emergency departments do not have the capacity or processes to respond to the alcohol issues underlying many of the presentations. The HSE eastern region is setting up a pilot project in Dublin to put these measures in place to address the needs of patients and monitor their effectiveness.

Hospital Services.

131. Mr. Neville asked the Tánaiste and Minister for Health and Children when a sexual assault medical unit will be established in the mid-west region of the HSE. [23798/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I have been concerned for some time about the adequacy of services for victims of alleged sexual abuse. I have therefore established a multi-disciplinary group under the chairmanship of a senior official of my Department to examine the co-ordination and delivery of services to adult and teenage victims of alleged sexual crime, determine the model of optimum delivery of service, and present its findings to me and the national steering committee on violence against women. This group is representative of service providers, voluntary organisations, the Garda, the Department of Justice, Equality and Law Reform and the HSE. I expect to have a report from the group shortly which will inform any decisions regarding the extension of existing sexual assault treatment services nationally.

Hospital Accommodation.

132. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the timetable for delivery of the additional acute hospital beds promised under the 2001 health strategy; and if she will make a statement on the matter. [23799/05]

Tánaiste and Minister for Health and Children (Ms Harney): On foot of the commitment in the health strategy, funding has been provided to open an additional 900 inpatient beds and day places in acute hospitals. Health agencies have informed my Department that on 17 June 2005, 780 beds were in place. The Health Service Executive has informed my Department that the remaining 120 beds/places will come on stream during 2005. In addition, extra beds will be provided in the new acute medical units which I announced as part of the accident and emergency services package on the publication of the Estimates for 2005.

Hospital Staff.

133. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the timetable for delivery of the additional nursing staff positions required to implement the 2001 health strategy; and if she will make a statement on the matter. [23800/05]

Tánaiste and Minister for Health and Children (Ms Harney): “Quality and Fairness — A Health System for You”, published in November 2001, provided a blueprint to guide planning and activity in the health system over the next seven to ten years. A key objective of the strategy is the training and recruitment of health professionals for the development and expansion of health services.

Action 101 of the strategy stated that the extra number of required staff for the health service would be recruited and that specifically, 10,000 nurses would be trained during the lifetime of the strategy. This target will be met. The Government has invested significantly in the training of nurses. The four year nursing undergraduate degree programme started in 2002. Capital fund-
134. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the timetable for delivery of the additional acute hospital consultant positions required to implement the 2001 health strategy; and if she will make a statement on the matter. [23801/05]

Tánaiste and Minister for Health and Children (Ms Harney): The health strategy document “Quality and Fairness: a Health System for You” stated that there would be substantial increases in the number of consultant posts. The number and location of these posts would later be determined by taking account of the recommendations of the national task force on medical staffing. Its report was published in 2003 and recommended that in order to meet the hospital medical staffing requirements arising from the implementation of the European working time directive, approximately 3,100 consultants should be employed by 2009 and 3,600 by 2013.

To date, 513 additional consultant posts have been created since 2000. This represents a significant increase compared with the previous five years when an additional 224 posts were approved. The provision of additional consultant posts will be progressed within the context of the restructuring of the acute hospital services and the negotiation of a new contract for hospital consultants.

Medical Cards.

135. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children when the promised 200,000 doctor only medical cards will be delivered; and if she will make a statement on the matter. [23802/05]

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. The HSE has placed advertisements providing details of the application process in the national press and intends to place further advertisements in the regional press over the coming week.

Those people whom the HSE deem eligible for GP visit cards will be able to visit their general practitioner without charge, and receive general practitioner services under the general medical services scheme from the date of approval of the card. Eligibility to GP visit cards will be determined by the Health Service Executive following an assessment of the income of the applicant, and spouse, if any, after tax and PRSI have been deducted. Provision for the allowance of reasonable expenses in respect of child care, rent/mortgage and commuting to work expenses has also been included.

Question No. 136 answered with Question No. 124.

Hospital Services.

137. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children the progress in the renegotiation of the common contract for consultants in order to deliver equity in hospital care for public patients; the contingency provisions in the regional press over the coming week.

The recruitment of additional staff for the expansion of existing services and the development of new services has been ongoing since the publication of the strategy. In December 2001 there were 31,426 whole time equivalent nurses employed in the public health service. By the end of December 2004 this figure had reached 34,313, an increase of 2,887 nurses in the first three years of the strategy. Further increases in the number of nurses employed will be considered in the context of new service developments.

Since 2002 there have been 1,640 student places available each year, an increase of 70% on the 1998 figure. By the end of 2005 there will be over 6,000 students at various stages of the nursing degree programme.

To date, 513 additional consultant posts have been created since 2000. This represents a significant increase compared with the previous five years when an additional 224 posts were approved. The provision of additional consultant posts will be progressed within the context of the restructuring of the acute hospital services and the negotiation of a new contract for hospital consultants.

Medical Cards.

135. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children when the promised 200,000 doctor only medical cards will be delivered; and if she will make a statement on the matter. [23802/05]

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
Tánaiste and Minister for Health and Children (Ms Harney): The health strategy, entitled “Quality and Fairness”, acknowledged the central role of primary care in a modern health service. In recognition of this central focus on primary care services a separate strategy document, entitled “Primary Care: A New Direction”, was published in November 2001. The strategy sets out the Government’s vision for integrated team based primary care services and provides a template for their development over a period of ten to 15 years.

Following the launch of the strategy a small task force was established in my Department to give an initial impetus to implementation. My Department continues to drive the implementation of the primary care strategy and to develop policy in this regard. The implementation process is overseen by the national primary care steering group, which is representative of the broad range of stakeholders, and considerable work has been undertaken by the former health boards to advance implementation.

There are three broad approaches required to enable the primary care strategy to be implemented. These are: revenue and capital investment by the State to deliver additional services in primary care; the substantial reorganisation of the resources already within the health services; and a structured role for the private sector in the development of facilities and possibly also the delivery of services.

An initial ten primary care teams have been developed, with funding to enable existing staff resources within the public system to be augmented with additional health professionals. These teams are intended to demonstrate the primary care model in action and also to enable practical experience to be gained of the process involved in developing a primary care team and providing an expanded range of services.

Work has already been undertaken by the former health boards to map out the proposed numbers, locations and configurations of future primary care teams and networks and the resource requirements associated with these. The Health Service Executive must complete this task to provide a firm basis for the future organisation of resources within the new unified health delivery system of the Health Service Executive, and incorporating the significant numbers of staff and contractors already involved in the delivery of primary care services.

The Government has supported the development of out of hours co-operatives to provide the benefits of reliable out of hours services to the public. Between 2000 and 2004, a total of €72.882 million was allocated to the former health boards for out of hours co-operatives nationally and, in 2005, €31.98 million has been included in the baseline funding to the Health Service Executive, which includes €6.5 million of additional funding.

In 2005, an additional €5 million in revenue funding has been provided to support the implementation of the strategy, bringing total ongoing additional revenue funding to €12 million per annum. To date, capital funding of €2.725 million and a further €1.8 million in respect of information and communications technology supports have been provided to facilitate the provision of appropriate facilities and ICT supports for the initial primary care teams.

Work is almost complete on a strategy and action plan on information and communications technology, ICT, for primary care. This will provide a basis for the development of ICT systems which support interdisciplinary primary care and which also facilitate the delivery of care in an integrated way across all sectors within the health service.

It is clear that the existing network of community health centres and general practice premises is not adequate to meet the needs of primary care teams. To ensure that appropriate facilities are developed on the required scale, resources other than those of the Exchequer will be required and, indeed, this is in line with the historic practice, whereby there has been a mix of public and private facilities provision with, for example, general practitioners in many cases funding their own practice premises. In this regard, the strategy emphasises the need to gain full benefit from existing buildings and to fully explore opportunities for private investment and public private partnerships in implementing the development programme.

Many primary care services are already delivered by private and non-State contractors. I am committed to developing policy which will stimulate private sector investment in developing facilities and services and also support much enhanced collaborative working between the public and private sectors. My Department is considering how this agenda can be advanced so as to harness the undoubted potential within the non-State sector and so enable and support the delivery of integrated primary care services in line with national policy.

139. Mr. Kenny asked the Tánaiste and Minister for Health and Children the person who, according to the records of her Department, was the owner of a medical facility (details supplied); and if she will make a statement on the matter. [23806/05]

140. Mr. Kenny asked the Tánaiste and Minister for Health and Children if the former inspector of mental hospitals conducted an investigation into a complaint made by a person (details supplied); if so, the outcome of this investigation; if not, if any other investigation was conducted and the outcome of such investigation; and if she will make a statement on the matter. [23807/05]

141. Mr. Kenny asked the Tánaiste and Minister for Health and Children if her Department has received a request to meet a person (details supplied); if she requested that the Secretary General of the Department of Health and Chil-
dren meet with a person when she was Minister for Enterprise, Trade and Employment; if such a meeting has taken place; and if she will make a statement on the matter. [23808/05]

142. Mr. Kenny asked the Tánaiste and Minister for Health and Children the action her Department has taken in respect of a complaint (details supplied); and if she will make a statement on the matter. [23809/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): I intend to take Questions Nos. 139 to 142, inclusive, together.

The individual referred to by the Deputy first contacted the Department of Health and Children about her care and treatment in a private psychiatric hospital and about access to her medical records. On investigation it was found that the private hospital involved had closed in 1996 and the Department was informed that the medical records had been destroyed. The individual was so advised. The Deputy was informed of the identity of the former owner and administrator of the hospital by the Tánaiste in correspondence dated 31 May 2004.

The investigation of alleged professional misconduct of a medical practitioner is a matter for consideration by the Medical Council. Therefore, the individual’s complaint about a medical practitioner was not a matter which could have been pursued by the former inspector of mental hospitals or the Department. The Medical Council is an autonomous statutory body established by the Medical Practitioners Act 1978. Furthermore, the Department of Health and Children has no function concerning records, or the amending of records, held by the Medical Council. The individual referred to by the Deputy has been so informed many times.

On foot of a request for a meeting with him, the then Secretary General wrote to the individual involved on 31 October 2003 and strongly recommended that she make contact with the then inspector of mental hospitals who was available to meet with her. This contact did not happen.

It is regretted that it has not been possible to resolve matters to the individual’s satisfaction. However, I am satisfied that everything possible has been done to assist and that her complaints have been addressed in so far as possible by the Department. The Department now considers the matter closed and the individual has been so informed.

Parliamentary Questions.

143. Mr. Naughten asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 117 of 25 May 2005; the reason for the delay in responding; and if she will make a statement on the matter. [23810/05]

Tánaiste and Minister for Health and Children (Ms Harney): In response to the Deputy’s Question of 25 May 2005, I advised that the Health Service Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including responsibility for the provision of hospital services for people who have suffered strokes, and that my Department had requested the director of the executive’s national hospitals’ office to investigate the matter raised and reply directly to the Deputy.

My Department has been in touch with the national hospitals’ office and is advised that a detailed response issued to the Deputy on 28 June.

144. Mr. Naughten asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 149 of 31 May 2005; the reason for the delay in responding; and if she will make a statement on the matter. [23811/05]

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 again 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.

145. Mr. Naughten asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 247 of 15 February 2005; and if she will make a statement on the matter. [23812/05]

Tánaiste and Minister for Health and Children (Ms Harney): I understand that the Health Service Executive has now provided the Deputy with the information required in respect of Galway Regional Hospital and Roscommon County Hospital. My Department has asked the Health Service Executive to provide the information requested in respect of Mayo General Hospital as a matter of urgency.

Medical Aids and Appliances.

146. Mr. Cregan asked the Tánaiste and Minister for Health and Children the situation regarding the provision of medical aids (details supplied); if they are provided free or otherwise; if it depends on whether the person is on a medical card or the €85 per month prescription/medication scheme; and if she will make a statement on the way in which help towards ESB charges is processed. [23814/05]

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 Services.

147. Mr. Cregan asked the Tánaiste and Minister for Health and Children if she will examine the case of a person (details supplied) in Dublin 11. [23815/05]

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 is requesting 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 Aids and Appliances.

148. Mr. Cregan asked the Tánaiste and Minister for Health and Children if she will make a statement on perceived delays with the processing of applications and the completion of same for hearing aids; and the estimate of the average length of time to supply hearing aids from the start of an application process. [23817/05]

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 Service Staff.

149. Mr. Cregan asked the Tánaiste and Minister for Health and Children the number of orthodontists now fully trained and practising in the sponsored training scheme; the length of time they are tied to working in the public service; the locations at which they are working and the progress which has been made on waiting lists; the cost of installation of new clinics; the reason it is not working efficiently; the action being taken to sort out industrial relations/personality issues; when treatment will be provided to persons (details supplied); and if she will make a statement on the matter. [23818/05]

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.

Infectious Diseases.

150. Mr. Cregan asked the Tánaiste and Minister for Health and Children the situation in relation to medical screening of persons who arrive here from areas of infections; if tests or screening are voluntary or compulsory; the screening which is available; if it is part of any legislation or status granting procedure; the period within which it is offered or carried out, from arrival; the way in which procedures here compare with other EU jurisdictions; and the EU countries which have compulsory screening in total or part. [23819/05]

Tánaiste and Minister for Health and Children (Ms Harney): I assume the Deputy is referring to infectious diseases screening for asylum seekers. Since May 2000, screening in respect of specific infectious diseases has been offered to asylum seekers on a voluntary and confidential basis, free of charge, shortly after their arrival in this country. The purpose of screening is to detect and treat certain infectious diseases in the interests of the asylum seekers themselves and their families, as well as the community in general.

Initial screening usually takes place in Dublin where asylum seekers may reside following arrival in this country and continues when they are relocated to other HSE regions. Those who do not receive screening in Dublin are offered this service following relocation. The guidelines relating to infectious disease screening recommend screening is provided for the following diseases: TB, hepatitis B and, where appropriate, HIV, polio and varicella zoster or chicken pox.

In the time available, it has not been possible to establish the precise screening regimes in other EU jurisdictions. However, in so far as my Department is aware, our screening policy is broadly in line with that in other EU member states.

Health Sector Reports.

151. Mr. Cregan asked the Tánaiste and Minister for Health and Children the reports, publications and other data available for students studying health sector procurement of pharmaceuticals; the way in which they can be obtained in each case. [23820/05]

Tánaiste and Minister for Health and Children (Ms Harney): This matter is not within the remit of my Department. There are a number of organisations which may be able to provide information on this topic, including the National Medicines Information Centre, the National Centre for Pharmaco-economics, the Pharmaceutical Society of Ireland, the Irish Pharmaceut-
Health Services.

152. Mr. Cregan asked the Tánaiste and Minister for Health and Children the dental benefits available to a pensioner on an over 70 medical card; if all dental services are available free of charge; if the free service is for basic dentistry only; if she will outline same; if it is in order for a dentist to charge for services or to make top up charges; and if she will make a statement on the matter. [23821/05]

Tánaiste and Minister for Health and Children (Ms Harney): A range of dental services for adult medical card holders is available under the dental treatment services scheme, DTSS, from participating dentists holding contracts with the Health Service Executive, HSE. The treatments provided include examinations, prophylaxis, fillings, extractions, dentures and x-rays.

The scheme is administered by the HSE primary care reimbursement service on behalf of the HSE and it is monitored at a local level by principal dental surgeons with a regional responsibility for the DTSS. It is not in order for a dentist to charge medical card holders for services that are available under the DTSS.

153. Mr. S. Ryan asked the Tánaiste and Minister for Health and Children if she will report on the refunds due to the family of a person (details supplied). [23822/05]

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.

154. Mr. Bruton asked the Tánaiste and Minister for Health and Children if she will report on the new guidelines for the issue of medical cards and doctor only cards; if she will define the concept of net income which will in future be used and the new system for dealing with expenses on mortgage and rent, travel to work costs and child care costs; and the allowance for children which will in future be made. [23823/05]

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, under the Health Act 2004. The HSE has placed advertisements providing details of the application process in the national press and intends to place further advertisements in the regional press over the coming week.

The determination of eligibility of applications for medical cards is statutorily vested in the HSE. In determining eligibility, the chief executive officer, or a delegated officer, will have regard to the financial circumstances and medical needs of the applicant and spouse, if any. Recent changes introduced by the HSE will mean that household income, after deductions in respect of PRSI and tax have been made, will be assessed when determining eligibility. Also provision will be made for reasonable expenses in respect of child care, rent/mortgage and commuting to work expenses.

Medical cards may be made available by the HSE where guidelines are exceeded in circumstances, for example, where there is particular need for medical services. A medical card may be issued to all or some members of a family. However, in all cases, the decision is a matter for the HSE. In assessing a person’s eligibility, every aspect of an individual’s financial means and medical expenses are carefully examined to ensure that no financial hardship is caused by the executive’s refusal to grant a medical card in any particular case. Those people whom the HSE deems to be eligible for GP cards will be able to visit their general practitioner without charge and receive general practitioner services under the general medical services scheme.

It should be noted that the income guidelines used by the HSE for the purpose of assessment of medical card applications were increased from 1 January 2005 by 7.5%. The income guidelines to be used to assess applications for GP visit cards will be up to a further 25% higher than those for assessing full medical card eligibility.

Health Services.

155. Mr. Cregan asked the Tánaiste and Minister for Health and Children the situation regarding persons (details supplied); if any fast track system will be set up for same; and if she will make a statement on the matter. [23824/05]

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 is requesting 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 Waste Disposal.

156. Mr. Bruton asked the Tánaiste and Minister for Health and Children her views on the report on the management of waste by hospitals; if she plans to introduce a practice of good waste
management and targets for waste management performance; if she intends to investigate the significant cost element which waste management represents for hospitals; and if she will make a statement on the matter. [23825/05]

Tánaiste and Minister for Health and Children (Ms Harney): I welcome the report of the Comptroller and Auditor General on waste management in hospitals. The principles outlined in my Department’s 1994 health services waste policy and later segregation packaging and storage guidelines for health care risk waste, are consistent with the recommendations of the report.

While the cost of good waste management in the health services may be significant, the health services have a responsibility to ensure that waste management practices are upheld to a high standard in the interest of maintaining good health and safety standards and reducing the impact from waste generation on the environment. My Department will advise the Health Service Executive to ensure that, where deficiencies have been identified, the good practice recommendations in the Comptroller and Auditor General’s report will be adopted and acted upon.

157. Mr. Bruton asked the Tánaiste and Minister for Health and Children the costs of waste management in each hospital nationwide since 2000 to date, distinguishing between risk and non-risk waste. [23826/05]

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 existing or new capital proposals for 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.

Investigation of Death.

158. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if she will carry out an urgent investigation into the death of a person (details supplied); and if she will make a statement on the matter. [23827/05]

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. The executive has informed the Department that the HSE northern area has made arrangements to review all deaths both of residents at Leas Cross or on immediate transfer to acute hospitals. This will involve a review of the medical/nursing files in the first instance. This review is being undertaken independently by a professor in geriatric medicine.

Hospitals Building Programme.

159. Mr. Naughten asked the Tánaiste and Minister for Health and Children the reason funding was not approved for capital projects (details supplied) at Portiuncula Hospital, Ballinasloe; and if she will make a statement on the matter. [23828/05]

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 existing or new capital proposals for 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.

Health Services.

160. Mr. English asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that district nurses in County Meath are being forced to cut home help hours for the elderly and needy due to constraints beyond their control; her views on same; if she will provide extra funding to alleviate this ever increasing problem; and if she will make a statement on the matter. [23829/05]

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, the 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.

161. Mr. English asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Meath has had home help hours cut; if she will review the case; and if she will make a statement on the matter. [23830/05]

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, the 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.

162. Mr. English asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) has had home help hours cut; if she will review the case; and if she will make a statement on the matter. [23831/05]
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, the 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.

163. Mr. Perry asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the circumstances outlined in correspondence (details supplied); if she will address the concerns raised; and if she will make a statement on the matter. [23832/05]

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 Charges.

164. Mr. Naughten asked the Tánaiste and Minister for Health and Children if persons with an intellectual disability who availed of respite care and who were charged for this service are not eligible for a refund if they are in receipt of a medical card; if so, when this repayment will be made; and if she will make a statement on the matter. [23835/05]

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 illegally 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. The repayments will include both the actual charge paid and an amount to take account of inflation, using the CPI, since the time the person involved was charged.

Legislation will be brought before the Oireachtas in the autumn to underpin the scheme. One of the objectives of the legislation will be to put in place procedures which will protect vulnerable people from exploitation given that significant repayments in some cases will be paid to them.

An outside company with experience in handling mass claims will be engaged to design and manage the scheme within the parameters of the key principles approved by Government. The Health Services Executive is finalising an advertisement in the Official Journal to obtain expressions of interest from companies that would design and manage the repayments scheme. The company selected will work closely with the HSE to ensure that co-operation is forthcoming on records held by the health agencies. It is anticipated that a company will be selected over the summer and will begin work in early autumn on the design of the scheme.

I have appointed an oversight committee to monitor the implementation of the repayment scheme. The committee will be chaired by Dr. Bernard Walsh, a geriatrician in St. James’s Hospital, and its task will be to ensure that proper governance is applied by the HSE and the company to the scheme.

The scheme will be designed and managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible and with the minimum possible imposition in terms of bureaucracy. Priority will be given to those who are still alive. Many of those eligible for repayments have already been identified under the ex gratia payments process. The scheme will include a transparent and thorough appeals process.

The legislation will include appropriate safeguards to prevent exploitation of those who receive repayments and are not in a position to manage their own financial affairs. The scheme will include a provision to allow those eligible for a repayment to waive their right to a repayment and have the money assigned to fund one-off service improvements in elderly, mental health and disability services.

The national helpline set up by the Health Services Executive to allow people to register if they believe they are due a repayment will continue to operate but there is no need for anyone who has already registered using this facility to make contact with the HSE again to register for the scheme. 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.

Vaccination Programme.

165. Mr. Naughten asked the Tánaiste and Minister for Health and Children the number of children who received an out of date polio vaccine in 1998 and who have now been re-vaccinated; and if she will make a statement on the matter. [23834/05]

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 Service Allowances.**

166. Mr. Naughten asked the Tánaiste and Minister for Health and Children the eligibility criteria for the domiciliary care allowance; if persons with diabetes are eligible; and if she will make a statement on the matter. [23836/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The domiciliary care allowance or DCA was introduced in 1973 by way of circular 24/73 and is payable under section 61 of the Health Act 1970. The DCA is a monthly allowance administered by Health Service Executive areas and may be paid in respect of eligible children from birth to the age of 16 years who have a severe disability requiring continual or continuous care and attention which is substantially in excess of that normally required by a child of the same age. The condition must be likely to last for at least one year.

Eligibility is determined primarily by reference to the degree of additional care and attention required by the child rather than to the type of disability involved, subject to a means test. While no condition is debarred, conditions such as asthma, diabetes or epilepsy are not normally considered unless there is a very high degree of additional care and attention required. It is a matter for the senior area medical officer or other designated medical officer in the relevant community care area to decide whether a child qualifies for DCA on medical grounds.

Since the allowance is intended as a recognition of the additional burden involved in caring for children with a severe disability in the child’s home, it does not apply to children who are maintained full-time in residential homes, schools or other institutions. Eligible children in part-time residential care who go home at weekends or holidays may receive a pro rata payment, that is, a nightly rate based on the number of nights spent at home. The nightly rate is equal to the monthly rate multiplied by 12 and divided by 365.

However, the allowance is paid in full in cases where eligible children who live full-time at home are absent for a period or periods of not more than eight weeks in any 12 month period, that is, hospital admissions or respite.

**Hospital Services.**

167. Mr. Naughten asked the Tánaiste and Minister for Health and Children if the HSE has appointed a third consultant radiation oncologist; if there are plans to provide an outreach service at the County Hospital, Roscommon; and if she will make a statement on the matter. [23837/05]

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 have this matter investigated and to have a reply issued directly to the Deputy.

**Experiments on Animals.**

168. Mr. Naughten asked the Tánaiste and Minister for Health and Children if the HSE has received approval from Comhairle na nOspideal to appoint a third physician to the County Hospital, Roscommon; the reason for the delay; and if she will make a statement on the matter. [23838/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The use of live animals in scientific research and other experimental activity is strictly controlled in accordance with the Cruelty to Animals Act 1876 as amended by the European Communities (Amendment of Cruelty to Animals Act, 1876) Regulations 2002. The Act, as
amended, gives full effect to European Council Directive 86/609/EEC on the protection of experimental animals and ensures that Ireland is fully in line with European standards for the welfare of experimental animals. One of the objectives of the directive is to reduce the numbers of animals used for experiments by encouraging the development and the validation of alternative methods to replace animal methods. The Act provides, *inter alia*, that an experiment shall not be performed if another scientifically satisfactory method of obtaining the result sought, not entailing the use of an animal, is reasonably and practicably available.

The European Commission has established the European Centre for the Validation of Alternative Methods, ECVAM, to promote the scientific and regulatory acceptance of alternative methods which are of importance to the biosciences and which reduce, refine or replace the use of laboratory animals. Ireland supports the work of ECVAM and is represented on its scientific committee.

**Services for People with Disabilities.**

170. Mr. Gormley asked the Tánaiste and Minister for Health and Children the areas which the proposed special services inspectorate will deal with in the disability sector. [23841/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): In accordance with the National Health Strategy, “Quality and Fairness: A Health System for You” it is intended to extend the remit of the social services inspectorate to include residential care for people with disabilities.

**Experiments on Animals.**

171. Mr. Gormley asked the Tánaiste and Minister for Health and Children if the mouse LD50 test is still used by pharmaceutical companies which produce and test botulinum toxin here; if so, the reason this test has not been replaced by the non-animal method described in the European Pharmacopoeia; the number of animals of each species which are used in regulatory toxicology here each year; and the institutions at which they are used. [23840/05]

Tánaiste and Minister for Health and Children (Ms Harney): While three botulinum toxin medicinal products are authorised for marketing in Ireland, only one, botox, is produced and tested in Ireland. I am advised by the Irish Medicines Board that the only potency test currently available for defining the strength of botulinum toxin products is the LD50 test in mice; therefore, this test continues to be used. In regard to possible alternative tests, it is important to note that the development of any such test must, according to the European Pharmacopoeia, include validation, that is, experimental proof that any new test is equivalent to the LD50 test in terms of analytical performance. I am advised by the Irish Medicines Board that manufacturers are conducting development studies of this nature but the outcome of these studies, which by their nature take a considerable length of time to complete, cannot be predicted.

The use of live animals in scientific research and other experimental activity is strictly controlled in accordance with the Cruelty to Animals Act 1876 as amended by the European Communities (Amendment of Cruelty to Animals Act, 1876) Regulations 2002. The Act, as amended, gives full effect to European Council Directive 86/609/EEC on the protection of experimental animals and ensures that Ireland is fully in line with European standards for the welfare of experimental animals. One of the objectives of the directive is to reduce the numbers of animals used for experiments by encouraging the development and the validation of alternative methods to replace animal methods. The Act provides, *inter alia*, that an experiment shall not be performed if another scientifically satisfactory method of obtaining the result sought, not entailing the use of an animal, is reasonably and practicably available.

As part of the licence application process, applicants must indicate that the use of alternatives has been fully considered prior to applying for a licence. The experimental procedure for which a licence is being sought must be certified as being essential and that there is no alternative method reasonably and practicably available. This certification must be performed by two qualified persons of professorial standing, from a relevant scientific, medical or veterinary discipline.

I have arranged to make the 1999 and 2002 statistics on the use of animals for experimental and other scientific purposes available to the Deputy. These include data on the use of the LD50 test. The 2002 statistics are also available on the Department’s website www.dohc.ie. These statistics are compiled in accordance with the requirements of the European Commission. Information on individual licence applications relating to experimental animals held at specific registered premises is provided in confidence and is treated as such by my Department.

**Health Services.**

172. Mr. Gormley asked the Tánaiste and Minister for Health and Children her views on whether centralising oncology services does not work (details supplied). [23842/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland in line with best international standards. It is important to build teams of highly expert clinicians working together to deliver top quality cancer care to cancer patients. To this end, we will provide considerable investment in oncology services in the coming years.
The national cancer forum is currently finalising a new national cancer strategy. The strategy has been developed in consultation with the major stakeholders, professional and voluntary groups and the general public and will have regard to the multi-faceted aspects of cancer control. The strategy will set out the key priorities for the development of cancer services over the coming years and will make recommendations on a balanced organisation of cancer services nationally, with defined roles for hospitals in the delivery of cancer care. It is anticipated that this work will be completed in the autumn.

Health Service Staff.

173. Mr. Gormley asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the serious situation which exists in Government funded institutions in the intellectual disability sector; if staff working in these institutions have Garda clearance, such as for those working with children; the way in which the safety of staff is being addressed, particularly in the case of an allegation of abuse, sexual or otherwise, being made against a member of staff; and if she will make a statement on the matter. [23843/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): Garda clearance arrangements currently apply in respect of candidates for paid employment in the health services where they would have access to children and vulnerable individuals. This includes services in respect of children and vulnerable adults provided by external agencies but funded by the Health Service Executive, HSE.

Under procedures agreed in 1994 and 1995, Garda clearance requests for agencies funded by the Health Service Executive are processed through the relevant HSE area. This procedure conforms with a recommendation of the working group on Garda vetting 2004 on which my Department was represented.

As the other matters raised by the Deputy 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, 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.

Parliamentary Questions.

175. Mr. G. Mitchell asked the Tánaiste and Minister for Health and Children the number of parliamentary questions tabled by this Deputy to her since June 2004 which were referred to the chief executive of health boards or the health service executive and to which he has not yet received a reply; and if she will make a statement on the matter. [23848/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to matters which are properly the responsibility of the Health Service Executive, from 1 January 2005, and previously of the Eastern Regional Health Authority. It is the practice in my Department to forward such questions immediately to the agency concerned and to request that the matter be examined and a reply issued directly to the Deputy as speedily as possible.

The Health Service Executive recently established a parliamentary affairs division to act as a central contact for all Oireachtas requests relating to matters within its statutory remit. A key function of the division is to monitor, throughout the executive’s national directorates and administrative areas, the timeliness of replies and to initiate any necessary follow up action relating to the issue of replies. In the time available, inquiries made by my Department indicate that replies have issued to the Deputy in most of the cases concerned and the remainder are currently being processed for the purpose of preparing replies. However, my Department has asked the parliamentary affairs division of the executive to ascertain the precise position in regard to the replies to the Deputy’s questions and to write to him in the matter.

Medical Cards.

174. Ms M. Wallace asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that children with cerebral palsy have extra medical costs and that it is important that such needs are covered by a medical card; the reason a person (details supplied) has such costs covered by a medical card from age two to 13 years and has had the card removed with no substantial change in family income or circumstances to warrant the case being treated differently from the previous 11 years; and if she will make a statement on the matter. [23845/05]

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.

176. Ms McManus asked the Tánaiste and Minister for Health and Children her plans and proposals for funding for improvements at St. Columcille’s Hospital, Loughlinstown; when they
were received by her Department; and if she will make a statement on the matter. [23849/05]

198. Mr. Cuffe asked the Tánaiste and Minister for Health and Children the reason the CAT scanner in Loughlinstown Hospital is not available after certain hours; and if she will make a statement on the matter. [24069/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 176 and 198 together.

The Deputies’ 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 is requesting the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputies.

Departmental Expenditure.

177. Ms McManus asked the Tánaiste and Minister for Health and Children the percentage of GDP spent on the health budget in total and less all social spending which is not included in health budgets in other EU countries; and if she will make a statement on the matter. [23850/05]

Tánaiste and Minister for Health and Children (Ms Harney): The latest information available from the OECD database is for 2002. Table A attached shows total public expenditure on health. Table B shows total public and private expenditure on health. The Deputy may also wish to note that since 2002 the real growth in publicly funded health spending in Ireland has been about 37%.

Table A: % of Gross Domestic Product. Public Expenditure on Health.

<table>
<thead>
<tr>
<th>Countries</th>
<th>2002</th>
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</thead>
<tbody>
<tr>
<td>Netherlands</td>
<td>n/a</td>
</tr>
<tr>
<td>Germany</td>
<td>8.6</td>
</tr>
<tr>
<td>Sweden</td>
<td>7.9</td>
</tr>
<tr>
<td>France</td>
<td>7.4</td>
</tr>
<tr>
<td>Denmark</td>
<td>7.3</td>
</tr>
<tr>
<td>Ireland (GNP)</td>
<td>6.8</td>
</tr>
<tr>
<td>Belgium</td>
<td>6.5</td>
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<tr>
<td>Portugal</td>
<td>6.5</td>
</tr>
<tr>
<td>Italy</td>
<td>6.4</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>6.4</td>
</tr>
<tr>
<td>Finland</td>
<td>5.5</td>
</tr>
<tr>
<td>Ireland (GDP)</td>
<td>5.5</td>
</tr>
<tr>
<td>Austria</td>
<td>5.4</td>
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<tr>
<td>Spain</td>
<td>5.4</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>5.3</td>
</tr>
<tr>
<td>Greece</td>
<td>5.0</td>
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<tr>
<td>Average % (GDP)</td>
<td>6.4</td>
</tr>
</tbody>
</table>

Parliamentary Questions.

178. Ms McManus asked the Tánaiste and Minister for Health and Children the reason a parliamentary question about home help hours on a county basis for the past three years has still not been answered; and if she will make a statement on the matter. [23851/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the issue raised by the Deputy in Parliamentary Question No. 83 of 12 May 2005 related to the management and delivery of health and personal social services, the Department wrote requesting that the national director for primary, community and continuing care at the Health Service Executive investigate the matter raised and reply direct to the Deputy. The parliamentary affairs division of the executive has informed the Department that it is still collating the data and that it will reply to the Deputy as soon as the information is to hand.

Hospital Services.

179. Mr. Morgan asked the Tánaiste and Minister for Health and Children if there is co-operation between the HSE north east region and Louth Hospital support group in respect of fundraising for the purchase of a CT scanner for the Louth County Hospital; the level of co-operation which is in place; and if there is no co-operation between these parties, the reason therefor. [23852/05]

180. Mr. Morgan asked the Tánaiste and Minister for Health and Children if the Louth Hospital support group purchases a CT scanner for the Louth County Hospital, if her Department will provide adequate personnel to operate and maintain the equipment. [23853/05]
Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 179 and 180 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 is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

181. Mr. Penrose asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Longford will be admitted for a PET scan at St. Vincent’s Hospital, Dublin; and if she will make a statement on the matter. [23854/05]

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 is requesting 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.

182. Mr. S. Ryan asked the Tánaiste and Minister for Health and Children if the lack of services available to a person (details supplied) in County Dublin will be addressed. [23855/05]

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.

183. Ms Shortall asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 9 will receive an appointment at the National Rehabilitation Hospital, Dún Laoghaire, County Dublin, for the fitting of a prosthetic leg. [23856/05]

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.

Mental Health Services.

184. Mr. Boyle asked the Tánaiste and Minister for Health and Children if she will report on the work of the expert group on mental health policy to date; and if the anticipated target of 2005 for completing a new national policy framework for mental health services will be met. [23857/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The expert group on mental health policy was established in August 2003 to prepare a new national policy framework for the mental health services, updating the 1984 policy document “Planning for the Future”. I am informed that the group has had a number of intensive meetings recently and is on target to complete its work and publish its report later this year.

Medical Cards.

185. Mr. Boyle asked the Tánaiste and Minister for Health and Children if it is anticipated at any stage to change the current medical card assessment for persons with disabilities (details supplied). [23858/05]

Tánaiste and Minister for Health and Children (Ms Harney): The determination of eligibility of applicants for a medical card is statutorily vested in the Health Service Executive. Accordingly, the HSE is responsible for deciding on the frequency of reviews of eligibility of medical card holders. Reviews are necessary to ensure medical card databases are accurate, up to date and satisfy public accountability obligations.

A working group was set up by the former Health Board Executive Group, HeBe, to modernise schemes, including the medical card scheme. This group continues under the HSE and its aim is to make the schemes more easily accessible. The frequency of reviews is one of the topics being considered.

Health Services.

186. Mr. Boyle asked the Tánaiste and Minister for Health and Children the reason for the delay in establishing a neurology service in the south east (details supplied). [23859/05]

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 reply directly to the Deputy.

187. Mr. Morgan asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the level of health care that is being provided to a person (details supplied) in County Dublin by the health service; if her attention has been drawn to a number of concerns regarding that care. [23862/05]
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, the 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.

188. Mr. G. Mitchell asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 96 of 16 December 2004, the steps she has taken to assist a school principal (details supplied) in their efforts to have a pupil receive speech and language therapy to ensure academic progress; and if she will make a statement on the matter. [23863/05]

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.

Vaccination Programme.

189. Mr. Gormley asked the Tánaiste and Minister for Health and Children if monosodium glutamate is in childhood vaccines; if it has affected obesity rates in children; the steps she proposes to reduce these rates; and if she will make a statement on the matter. [23864/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Irish Medicines Board, IMB, which has statutory responsibility for licensing all pharmaceutical products for use in Ireland, has provided the following information regarding monosodium glutamate.

Monosodium Glutamate is contained in the BCG vaccine SSI and amino acids — monosodium glutamate is an amino acid — are present in Priorix, MMR vaccine. Residues of monosodium glutamate may be present as part of the manufacturing process but a detailed review of the manufacturing file would be necessary to determine this. Nevertheless, I am advised that the amount of monosodium glutamate present in the vaccines, if detectable at all, would only be present in tiny amounts and the effect on obesity in children would be minimal.

More generally, the national task force on obesity presented its report, “Obesity — the Policy Challenges”, to the Taoiseach on 16 May 2005. The report contains 93 recommendations. These relate to actions across six broad sectors: high level Government; education; social and community; health; food commodities — production and supply; and the physical environment. The report highlights the need for “joined-up” policy, cross collaboration between all key stakeholders and real practical engagement by both the public and the private sectors.

My colleague, the Minister of State at the Department of Health and Children, Deputy Seán Power, will shortly present the report to Cabinet.

Childhood Obesity.

190. Mr. Gormley asked the Tánaiste and Minister for Health and Children if monosodium glutamate is a dangerous and addictive substance; if it has affected obesity rates in children; the steps she has proposed for the reduction of intake of this substance; and if she will make a statement on the matter. [23865/05]

Minister of State at the Department of Health and Children (Mr. S. Power): Monosodium glutamate, MSG, is a food additive whose main function is to enhance flavours. MSG is authorised for use in all member states of the European Union, including Ireland, under Directive No 95/2/EC on food additives other than colours and sweeteners, as amended, which has been transposed into Irish law by the European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004, S.I. No. 58 of 2004.

MSG was authorised following a rigorous safety assessment by the EU scientific committee on food, SCF. It has also been evaluated by other national and international food safety organisations, including the Joint Food and Agriculture Organisation/World Health Organisation Expert Committee on Food Additives, JECFA, and by the US Food and Drug Administration. These organisations have not allocated MSG any acceptable daily intake, ADI. Normally, when a food additive is approved, an ADI is set but when, on the basis of the available scientific data, the total intake of the substance following consumption of a typical diet does not represent a hazard to health no ADI is specified. Against this background there is no basis for considering MSG to be dangerous or addictive and I have no proposals in regard to advising the public to reduce their MSG intake.

No evidence of a connection between MSG and obesity was brought to the attention of the national task force on obesity and therefore its report, “Obesity — the Policy Challenges”, which was launched on 16 May 2005, makes no reference to this issue.

Hospital Accommodation.

191. Ms McManus asked the Tánaiste and Minister for Health and Children the current number of private hospitals and clinics; their location and bed capacity in each case; the
number of private hospitals and clinics planned; their location and bed capacity in each case; the number of private hospitals and clinics; and the location and the bed capacity of those in existence in 1995 in each case. [23866/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department does not collect information regarding the operation of private hospitals and clinics. However, most private hospitals are affiliated to the Independent Hospitals Association of Ireland. My Department will contact the association and request it to let the Deputy have whatever relevant information is available to it.

Departmental Expenditure.

192. Mr. Kenny asked the Tánaiste and Minister for Health and Children the amount of her Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the Vote head from which such returned allocations were derived; and if she will make a statement on the matter. [23973/05]

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Irish Language.

193. Mr. O’Shea asked the Tánaiste and Minister for Health and Children the amount her Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; her estimate of the amount which her Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if she will make a statement on the matter. [24007/05]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested is being collated by my Department and will be forwarded to the Deputy as soon as possible.

Question No. 194 answered with Question No. 108.

Health Insurance.

195. Mr. Bruton asked the Tánaiste and Minister for Health and Children if she has plans to privatise the VHI. [24024/05]

Tánaiste and Minister for Health and Children (Ms Harney): It is my intention to bring proposals to Government in September concerning the future commercial status of the VHI. This will not involve its privatisation and I have not made plans to do so.

Health Services.

196. Mr. Gogarty asked the Tánaiste and Minister for Health and Children the sources of funding which have been identified that will enable a
Questions—

30 JUne 2005.  Written Answers

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.

Adoption Services.

197. Mr. Cuffe asked the Tánaiste and Minister for Health and Children the number of persons waiting to avail of Irish adoptions; the average waiting time from initiation to completion of the adoption process; and if she will make a statement on the matter. [24068/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Adoption Board, which is an autonomous body, collects the information requested. My Department has asked the CEO of the board to reply directly to the Deputy.

Question No. 198 answered with Question No. 176.

Ambulance Service.

199. Mr. Naughten asked the Tánaiste and Minister for Health and Children the cost of the provision of an ambulance base for each of the three proposed new bases in the west of Ireland; and if she will make a statement on the matter. [24091/05]

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 is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Parliamentary Questions.

200. Mr. Naughten asked the Tánaiste and Minister for Health and Children if she will furnish a full reply to Parliamentary Questions Nos. 62, 71, 72 of 21 April 2005; and if she will make a statement on the matter. [24103/05]

201. Mr. Naughten asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 50 of 17 February 2005, the reason for the delay in responding; and if she will make a statement on the matter. [24104/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 200 and 201 together.

As responsibility for the matters raised in these parliamentary questions rests with the Health Service Executive, my Department had requested the Health Service Executive to investigate the matters raised and to respond directly to the Deputy. I understand from the executive that replies to Questions Nos. 62, 71 and 72 of 21 April 2005 have now issued. The HSE has advised me that, due to an administrative error, a response did not issue to Question No. 50 and that a response will now issue to the Deputy as a matter of urgency.

202. Mr. Naughten asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 122 of 10 February 2005; the reason for the delay in responding; and if she will make a statement on the matter. [24105/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the issue raised by Deputy Allen in Parliamentary Question No. 122 of 10 February 2005 related to the management and delivery of health services in County Cork, the Department wrote requesting that the chief officer of the Health Service Executive southern area investigate the matter raised and reply direct to the Deputy. The HSE southern area has informed the Department that a reply was issued directly to the Deputy on 15 February 2005.

Hospital Services.

203. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if she will publish the consultant’s report on the future development of acute hospital services at the Lourdes Hospital, Drogheda; when she will make a decision on the matter; and if she will make a statement on the matter. [24109/05]

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 is requesting 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.

204. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children when the new health centre for Drogheda will be finished and open to
[Mr. O’Dowd.]

the public; and if she will make a statement on the matter. [24110/05]

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.

205. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children her plans to develop community health services in the towns of Drogheda, Dundalk and Ardee and elsewhere in the county of Louth; and if she will make a statement on the matter. [24111/05]

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.

206. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children her plans to develop acute hospital services in County Louth; and if she will make a statement on the matter. [24112/05]

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 is requesting 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.

207. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children her plans to develop psychiatric services in the County Louth; and if she will make a statement on the matter. [24113/05]

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 Homes.

208. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has always consulted in each case for each year since 2000 with the designated nursing home inspectorate before placing public patients in private nursing homes; if the HSE or regional health board was always fully satisfied that the selected nursing homes were not in breach, at the last prior inspection, of the Nursing Homes Care and Welfare Regulations 1993; and if she will make a statement on the matter. [24114/05]

209. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has always consulted in each case for each year since 2000 with the designated nursing home inspectorate before placing public patients in private nursing homes; if the HSE or regional health board was always fully satisfied that the selected nursing homes were not in breach, at the last prior inspection, of the Nursing Homes Care and Welfare Regulations 1993; and if she will make a statement on the matter. [24115/05]

210. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if, for the last registration period to date, every registered proprietor or the person in charge of each nursing home on a county by county basis has sent a notice in writing to the medical officer of health for the area in which the nursing home is situated of the date and time of death of a dependent person in a nursing home not later than 48 hours after it occurs and the certified cause of death as soon as possible thereafter, as required by the Nursing Homes Care and Welfare Regulations 1993; and if she will make a statement on the matter. [24116/05]

212. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if the HSE is aware of any case of a breach in the past of the nursing homes care and welfare regulation where a person who was named as the person in charge of one nursing home, who must be a full-time person, was also named as the person in charge of another nursing home at the same time; the period for which this situation continued without the health board’s knowledge; if so, the action the health board took as a result; the way in which a recurrence can be prevented; and if she will make a statement on the matter. [24118/05]

213. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly
known as the regional health boards, has since the year 2000, found breaches of the nursing homes care and welfare regulation which requires every registered proprietor or the person in charge of a nursing home to make adequate arrangements for the recording, safeguarding, administering and disposal of drugs and medicines on a county basis; the action taken as a result in each case; if the same breaches were subsequently noted in further inspections in the same homes; the action taken in each case; and if she will make a statement on the matter. [24119/05]

214. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has since the year 2000, found breaches of the nursing homes care and welfare regulation which requires every registered proprietor or the person in charge of a nursing home to ensure that the treatment and medication prescribed by the medical practitioner of a dependent person is correctly administered and recorded; if so the action taken; if the same breaches were subsequently noted in further inspections in the same homes; the action taken in each case; and if she will make a statement on the matter. [24119/05]

226. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where accommodation and facilities were found to be a problem and breaches of the regulations had occurred; the action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

227. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where the register and records were not up to date and breaches of the regulations occurred; the action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

228. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where treatment of residents regulations were breached; the action then taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

230. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where nutrition was found to be a problem and breaches of the regulations occurred; the action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

231. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where fire precautions were found to be a problem and breaches of the regulations occurred; the action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

232. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where the welfare and well being of residents regulations were breached and found to be a problem; the action taken by the health board; if the same problem arose in the same home on subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

233. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where contracts of care regulations were breached; the action taken by the health board; if the same problem arose in the same home on subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

234. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where staffing levels were found to be a problem; the action taken by the health board; if the same problem in the same homes arose in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

235. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where kitchen facilities were found to be a problem and breaches of the regulations occurred; the action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24119/05]

236. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where hygiene was found to be a problem and breaches of the regulations occurred; the action
237. Mr. O'Dowd asked the Tánaiste and Minister for Health and Children the number of nursing homes on a county by county basis since 2000 where sanitary facilities were found to be a problem and breaches of the regulations occurred; the action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; if the same problem arose in the same home in subsequent inspections; the further action taken by the health board; and if she will make a statement on the matter. [24142/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 208 to 210, inclusive, 212 to 214, inclusive, 226 to 228, inclusive, and 230 to 237, inclusive, 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, the Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

211. Mr. O'Dowd asked the Tánaiste and Minister for Health and Children the number of complaints about nursing home conditions made to chief executive officers of health boards for each year since 2000 on a county basis; the numbers of such complaints upheld and the nature of the direction issued to the registered proprietor of the nursing home concerned; if this direction was fully complied with in each case; if not, the action the health board took; and if she will make a statement on the matter. [24117/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 212 to 214, inclusive, answered with Question No. 208.

Nursing Home Subventions.

215. Mr. O'Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has, on a county basis since the year 2000, ever refused an application for a nursing home subvention on the basis that the applicant who is seeking the subvention was fully qualified in every respect but that the health board had insufficient funds to meet the cost of the subvention due to budgetary constraints; and if she will make a statement on the matter. [24121/05]

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, the Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

Question No. 216 answered with Question No. 211.

Nursing Homes.

217. Mr. O'Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has, on a yearly basis in the past five years ever taken prosecutions in the courts against nursing home proprietors and persons in charge for breaches of regulations; if she will list the breaches of the regulations in each case; the name of the persons who were successfully prosecuted; if the nursing home closed or if new proprietors or persons in charge were in place as a result; and if she will make a statement on the matter. [24123/05]

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, the 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.

218. Mr. O'Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has ever carried out an HSE or health board internal inquiry into the running of nursing homes as a result of a death or a serious breach of the regulations; the outcome of such inquiry and the action taken. [24124/05]
219. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if the HSE, formerly known as the regional health boards, has ever set up an inquiry by a specialist or other person outside the nursing home inspectorate into the death of a resident or serious breach of the regulations in any nursing home; the outcome of such an inquiry; the recommendations of same and the actions taken as a result; and if she will make a statement on the matter. [24125/05]

225. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children if all nursing homes here have complied with directions from coroners from 2001 to date which were to be implemented rigorously with regard to procedures to be followed in the event of the death of a resident of a nursing home, that bodies must not be removed for burial without first being certified dead by a doctor; and that in the circumstances the coroner should be notified if a patient dies and there is no documented record of a consultation with their GP during the four weeks prior to death, if a patient dies and there is any history of injury in the days prior to death, if the patient dies and the cause of death is not obvious; and if she will make a statement on the matter. [24131/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 218, 219 and 225 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, the Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

222. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of complaints about nursing homes her Department has received since the year 2000 on a county basis; the nature of such complaints and the action taken by her Department in each case. [24128/05]

229. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the number of complaints about nursing homes received by her Department for each year since 2000; the nature of such complaints and the action taken by her Department; and if she will make a statement on the matter. [24135/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 222 and 229 together.

I wish to advise the Deputy that it is not possible, within the timeframe allowed, to collate the information requested by the Deputy. The Department will forward the information requested to the Deputy as soon as it is collated.

223. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the reason the HSE decided, after inspection, not to recommend the transfer of Leas Cross residents to certain other nursing homes in the Dublin area; the breaches of regulations found at these further homes and to name these homes; if these homes are registered homes under the Health Acts and if they continue to be so registered; if there are public patients resident in these homes and if they will now be moved to other homes; if there are subvented patients, if they will now be advised to move and, if not, the reason therefor. [24129/05]

224. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the reasons the HSE decided that all public patients would be moved out of Leas Cross nursing home and all other residents advised to move out; the medical and other concerns of the inspection teams who went to Leas Cross; and if she will make a statement on the matter. [24130/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 223 and 224 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, the Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.
**Appointments to State Boards.**

238. Mr. Quinn asked the Tánaiste and Minister for Health and Children if she will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by her or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24177/05]

239. Mr. Quinn asked the Tánaiste and Minister for Health and Children if she will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by her or the Government; and the mechanisms envisaged by which the appointees will be selected. [24191/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 238 and 239 together.

Information on membership vacancies in statutory bodies where appointments are made by the Minister for Health and Children is shown in Table 1. However, the Deputy will wish to be aware in the context of the table that in some instances the relevant legislation may provide for a maximum number of members rather than setting an exact numerical membership requirement. The information contained in the Table 1 takes into account the full membership potential of the body.

The term of office of the most recent board of the postgraduate medical and dental board, PGMDB, expired in March 2002. The Prospectus report recommended that the PGMDB should be abolished and that its functions should be taken on by other bodies in the restructured health service. The Department, in consultation with the Health Service Executive and the Medical Council, is considering how best the functions of the PGMDB and other functions relating to medical education and training should be provided for in the future by the HSE. In relation to dental education and training, consultation with the Dental Council will also be undertaken. The abolition of the body and the transfer of its functions will be effected by the new medical practitioners Bill, which is being drafted by the Parliamentary Counsel. The information requested by the Deputy in regard to expected vacancies is set out in Table 2.

The process by which a person is appointed to a state board or body reflects the conditions for the appointment laid down in the relevant statutory instrument or Act. Nominations under the aegis of my Department can arise in different ways. Some members are nominated by prescribed bodies, individual office holders or organisations and others are appointed by the Minister for Health and Children, having due regard to the nature of the work of the body and the consequent requirement for any appointee to hold the necessary skills and expertise required to discharge the functions of that particular body. The time required to appoint members therefore varies. It is my intention, however, to fill vacancies in a timely manner.

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<td>Beaumont Hospital Board</td>
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</tr>
<tr>
<td>Comhairle na nimeanna</td>
<td>18</td>
<td>Term expired</td>
</tr>
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<td>Dental Council</td>
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<tr>
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<tr>
<td>Health Research Board</td>
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<td>Hospital Trust Board</td>
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<td>National Social Work Qualifications Board</td>
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<td>Pre-Hospital Emergency Care Council</td>
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<tr>
<td>Womens Health Council</td>
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### Adoption Services.

240. Mr. Gogarty asked the Tánaiste and Minister for Health and Children the position with regard to intercountry adoptions with Morocco; and if she will make a statement on the matter. [24209/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Adoption Board considered the Adoption Law of Morocco at its meeting on 3 July 2001. The board decided on that date that adoptions effected in Morocco are not recognised under Irish law.

Legislation is being prepared by Department of Health and Children to ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption 1993. The heads of the Bill have gone to the Parliamentary Counsel for drafting and it is hoped the Bill will be published in early 2006. It will provide a framework within which Ireland, by establishing a system of co-operation with those countries who have ratified the 1993 Hague Convention or who operate within the spirit of the convention, may regulate the process of intercountry adoption. Morocco has not signed or ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption 1993.

### Health Services.

241. Ms Shortall asked the Tánaiste and Minister for Health and Children the number of times which the working group reviewing the current configuration and delivery of services to persons with cystic fibrosis here has met since its establishment; its terms of reference; when she expects its report; and if its recommendations will be provided for in time for the 2006 estimates. [24215/05]

Tánaiste and Minister for Health and Children (Ms Harney): Following the publication of the Pollock report, which reviewed the existing hospital services for person with cystic fibrosis, the Health Service Executive established a Working Group to examine cystic fibrosis services. The working group is multi-disciplinary in its composition and includes representation from the Cystic Fibrosis Association.

The terms of reference of the working group is to review the current configuration and delivery of services to cystic fibrosis patients in the Republic of Ireland, across hospitals and the community, and to make recommendations for reconfiguration, improvement and development. The working group will consider the report prepared by Dr. Pollock on behalf of the Cystic Fibrosis Association in Ireland and will encompass aspects of service alluded to but not covered in depth in that report, including cystic fibrosis services delivered in the community, the Cystic Fibrosis register, training and development of clinical staff, cost structures, and cross-border arrangements.

The group held its first meeting in early April and there have been three further meetings. I understand that it hopes to complete its work over the next few months. The work of the group will result in an agreed proposal for the development and reconfiguration of services for cystic fibrosis patients in Ireland.

The Health Service Executive will have the responsibility for implementing and funding any recommendations made by the group. My Department will, therefore, request the executive to reply directly to the Deputy in relation to her query regarding the timetable for the finalisation of the Group’s recommendations in the context of the 2006 Estimates.

### Communications Masts.

242. Mr. Quinn asked the Minister for Finance the services that avail of the mast on the Garda station in Letterkenny; and if he will make a statement on the matter. [23754/05]

Minister of State at the Department of Finance (Mr. Parlon): In addition to the Garda Síochána,
243. **Ms Shortall** asked the Minister for Finance the progress to date in providing a new Garda station for Ballymun, Dublin 9; when he expects construction to begin; when he expects the station to be completed; if arrangements have been finalised for the temporary relocation of the station to Stormanston House on Ballymun Road; and if he will make a statement on the matter. [23916/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Negotiations between the Commissioners of Public Works and Ballymun Regeneration Limited in relation to acquisition of a site for a new Garda station and Government offices in Ballymun are progressing. A timetable for development of the site cannot be finalised until after the acquisition of the site. Discussions with Ballymun Regeneration Limited regarding the temporary relocation of Ballymun Garda station are at a preliminary stage.

244. **Mr. Cuffe** asked the Minister for Finance if he has plans to remove the railings that separate the car park on the Kildare Street side of Leinster House from the National Museum and the National Library; if he will tender proposals for improving this civic space; and if he will make a statement on the matter. [24066/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The provision of the railings that separate the car park on the Kildare Street side of Leinster House from the National Museum and the National Library, is security-related and is a matter for the Houses of the Oireachtas Commission in the first instance. The commission has not requested OPW to review the matter.

245. **Mr. Kehoe** asked the Minister for Finance if he plans to sell any building or property in County Wexford; if so, if he will provide the details of such a sale; and if he will make a statement on the matter. [23578/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Identification of properties surplus to State requirements is continuously evolving and it is not possible to confirm what properties will be disposed of in County Wexford in the remainder of 2005. Premature release of disposal information and timescales would also affect the potential income form such disposals.

246. **Mr. Kehoe** asked the Minister for Finance when this Deputy will receive a reply to Parliamentary Question No. 157 of 22 June 2005; and if he will make a statement on the matter. [23579/05]

247. **Mr. English** asked the Minister for Finance if the Office of Public Works has plans to carry out flood alleviation works on the Swan River; and if he will make a statement on the matter. [23580/05]

248. **Mr. Cregan** asked the Minister for Finance the requirements which SSIA holders must satisfy prior to the cashing in of their investment accounts in the short term and at the end of the maximum investment period; when the first SSIA will mature; if the holders will be written to; if they must initiate repayment; if they will be offered further investment terms; and if he will make a statement on the matter. [23581/05]

249. **Mr. Cregan** asked the Minister for Finance if the Office of Public Works has plans to carry out flood alleviation works on the Swan River at this time.

250. **Minister of State at the Department of Finance (Mr. Parlon):** The Office of Public Works has no responsibility for the maintenance of the Swan River and officials of Meath County Council have been advised accordingly. The Commissioners of Public Works have no plans to carry out flood alleviation works on the Swan River at this time.

251. **Special Savings Incentive Scheme.**

252. **Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that on commencement of an SSIA account, the account holder had to certify that the following conditions would be satisfied for the duration of the scheme: the holder was over 18 years of age and resident in the State at commencement; the holder would operate only one SSIA; subscriptions to the account would only be made by the holder or his/her spouse and from his/her own resources; subscriptions to the account would not be funded by borrowing or the deferral of repayment, whether in respect of capital or interest, of amounts
already borrowed; and subscriptions to the account in each of the first 12 months would be of an amount, not less than €12,50 and not more than €254, agreed between the holder and the qualifying savings manager, financial institution, at the commencement of the account. For the remainder of the scheme, the only statutory restriction is that the maximum subscription in any month must not exceed €254; funds held in an SSIA would not be used as security for a loan.

Prior to the maturity of the SSIA, the account holder must complete a declaration confirming that for the duration of the scheme, s/he held only one SSIA; he or she is the person who beneficially owns the qualifying funds held in the account; he or she was resident or ordinarily resident in the State since commencement of the account; the account was funded from resources available him-her, or spouse, without recourse to borrowing or by the deferral of repayment, whether in respect of capital or interest, of sums already borrowed; and he or she did not sign or pledge funds held in the account as security for a loan.

The first accounts are due to mature at the end of May 2006. Each financial institution will, at the appropriate time, circa 14 weeks prior to the maturity date, supply a maturity declaration to each SSIA holder for completion and return to the institution. The financial institution will mature the account at the appropriate time and pay over to Revenue the appropriate tax on the income earned by the account. The account holder can then either maintain and continue the account, without the benefit of the Exchequer top up, or withdraw funds as he or she wishes.

In regard to further investment terms, 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 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 SSIs are put is ultimately a matter for the individual account holder.

Stamp Duty.

249. Mr. Haughey asked the Minister for Finance if he will outline the change in policy by the Revenue Commissioners in relation to exemption from stamp duty for first time buyers who are required to add the name of a parent to their mortgage; if he will reconsider this issue; and if he will make a statement on the matter. [23582/05]

250. Mr. F. McGrath asked the Minister for Finance if he will re-examine any proposed decision by the Revenue Commissioners to charge the most vulnerable of the first-time house buyers that is those that require parental assistance on the mortgage; and if he will make a statement on the matter. [23680/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 249 and 250 together.

A stamp duty exemption for first-time buyers of second hand houses under €317,500 was brought in by budget 2005. Previously it had applied only to houses up to €190,500, so the very significant increase in the threshold made this exemption relevant to a much broader range of purchasers. Reduced rates of duty were also made available for purchases up to €635,000.

The relief from stamp duty is intended to benefit only genuine first time buyers. It is essential that the stamp duty advantage intended for first-time buyers should not be diluted by allowing persons who are not first-time buyers to circumvent the rules, by borrowing in tandem with another person who is a first-time buyer.

Revenue has always accepted that a person would not have been precluded from obtaining first-time buyer relief where a parent provides funds by means of an unconditional gift towards the purchase of a house or where a parent acts as financial guarantor in relation to purchase monies which are borrowed by his or her son or daughter in connection with the purchase.

In a statement issued on Friday last, 24 June 2005, the Revenue Commissioners have offered reassurance to first-time buyers in relation to situations involving parents of first-time buyers acting as co-mortgagors. The Revenue Commissioners are now prepared to accept that a child, who is a first-time buyer, will not be precluded from claiming first-time buyer relief where a parent acts as a co-mortgagor in the following circumstances: the transfer of the house is taken in the name of the child; it is the intention of both the child and the parent that the parent is not to take a beneficial interest in the house; the parent has been joined into the mortgage solely at the request of the lending institution for the purpose of providing additional security for the monies being advanced for the purchase; it is not intended that the parent will be contributing to the repayment of the mortgage in the normal course.

Where the four conditions set out above are satisfied, Revenue will treat the parent as effectively acting in the role of guarantor for the loan.

I am also advised that the Revenue Commissioners do not propose to seek a clawback of stamp duty where transfers have taken place before last Friday which comply with the conditions outlined above.
questions—
30 june 2005.
written answers

251. Ms Burton asked the Minister for Finance the amounts received in respect of relevant contracts tax for each year from 1997 to date; the amounts outstanding in respect of relevant contracts tax for each year from 1997 to date; the number of contractors; his estimate of the amounts outstanding to date; and the number of outstanding amounts in excess of €500,000 in band €100,000 upward. [23741/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the amounts of relevant contracts tax, RCT, received in respect of each year from 1997 to date, 28 June 2005, are as follows:

<table>
<thead>
<tr>
<th>RCT</th>
<th>Gross</th>
<th>Repayments</th>
<th>NET</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>€195,067,568.87</td>
<td>€112,531,660.63</td>
<td>€82,535,908.24</td>
</tr>
<tr>
<td>1998</td>
<td>€222,700,214.81</td>
<td>€120,833,741.65</td>
<td>€101,866,473.16</td>
</tr>
<tr>
<td>1999</td>
<td>€248,549,625.45</td>
<td>€216,127,731.69</td>
<td>€32,421,893.76</td>
</tr>
<tr>
<td>2000</td>
<td>€339,284,824.75</td>
<td>€272,467,544.87</td>
<td>€66,817,279.88</td>
</tr>
<tr>
<td>2001</td>
<td>€422,193,597.87</td>
<td>€340,128,304.25</td>
<td>€82,065,293.62</td>
</tr>
<tr>
<td>2002</td>
<td>€394,286,052.35</td>
<td>€351,203,196.17</td>
<td>€43,082,856.18</td>
</tr>
<tr>
<td>2003</td>
<td>€476,874,365.84</td>
<td>€423,688,168.85</td>
<td>€53,186,196.99</td>
</tr>
<tr>
<td>2004</td>
<td>€611,590,909.18</td>
<td>€562,308,663.24</td>
<td>€49,282,245.94</td>
</tr>
<tr>
<td>2005 to date</td>
<td>€360,272,110.34</td>
<td>€323,302,871.45</td>
<td>€36,969,238.89</td>
</tr>
<tr>
<td>Total</td>
<td>€3,270,819,269.46</td>
<td>€2,722,591,882.80</td>
<td>€548,227,386.66</td>
</tr>
</tbody>
</table>

There are four categories of contractors on Revenue’s records. The number of live registrations in each category is as follows: principal contractors including principals that are also uncertified subcontractors — 15,998; certified subcontractors, i.e. have a C2 certificate — 22,056; principal contractors that are also certified subcontractors — 19,488; and uncertified subcontractors, i.e. do not have a C2 certificate — 58,862. The total number of live registrations is 116,404.

A major programme of work has been undertaken by Revenue in recent years to upgrade the RCT computer systems to the standard available for other business taxes. RCT is now fully integrated into Revenue’s integrated taxation systems and has recently been integrated into its case management system, which allows individual case management of cases with RCT tax debts. Using this case management system, Revenue caseworkers are now deploying the full range of collection and compliance activities against individuals and companies that are non-compliant or have arrears of RCT, as part of a whole case management approach.

The final stage of the computer development programme for RCT is the development of management information systems and reports. These are expected to be available early next year. Until then Revenue is unable to provide authoritative data on overall amounts outstanding for each year.

Decentralisation Programme.

252. Mr. O’Dowd asked the Minister for Finance the progress made to date in relation to the decentralisation of Government Departments and associated agencies to Drogheda, County Louth; and if he will make a statement on the matter. [23767/05]

Minister for Finance (Mr. Cowen): Three Ministers have responsibility for offices decentralising to Drogheda. These are the Minister for Communications, Marine and Natural Resources, Environment, Heritage and Local Government and Social and Family Affairs. The Ministers for Communications, Marine and Natural Resources and Environment, Heritage and Local Government will answer in respect of their own areas of responsibility. I will answer on behalf of the Minister for Social and Family Affairs. The headquarters of the Department of Social and Family Affairs, REACH and Comhairle are to relocate to Drogheda, County Louth.

I understand from the Department of Social and Family Affairs that 213 staff of the Department have applied through the Central Applications Facility, CAF, to relocate to Drogheda. However, no formal offers have yet been made.

Comhairle will transfer a total of 47.5 posts to Drogheda. Some 14 of Comhairle’s staff applied through the CAF to relocate with Comhairle. Comhairle has not as yet made formal offers to any of these staff. REACH will transfer to Drogheda with 11 posts. No assignments have been made yet.

With reference to accommodation, agreement in principle has been reached on a site on local authority owned lands and detailed negotiations are progressing in tandem with site investigations.

Tax Code.

253. Mr. Cregan asked the Minister for Finance
the number of persons over 70 who pay tax; the total and average amount paid; the highest figure paid; if a total exemption for all persons over 70 is recommended; if a gradual increase in the exemption limit is more advisable; and if he will make a statement on the matter. [23768/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the relevant information available is in respect of income earners on tax records aged 65 years and over. On the basis of income tax returns received for 2002, the latest year for which the relevant data has been compiled, the available information is as follows: total numbers with a tax liability — 56,000; total amount of tax — €403 million; average amount of tax — €7,196, based on income earners aged 65 or over with a tax liability, €2,702, based on all income earners aged 65 or over.

Because of the Revenue Commissioners obligation to observe confidentiality in relation to the taxation affairs of individual taxpayers and small groups of taxpayers, the highest figure for tax paid cannot be divulged due to the small numbers of income earners with significantly high tax payments. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

The Government’s policy on taxation and the elderly is set out in An Agreed Programme for Government which refers to “delivering further real improvements to pensioners and people on low incomes”. This has been the guiding principle underlying the tax treatment of elderly persons, including those aged over 70, in recent budgets.

The age exemption limits, under which those aged 65 or over are exempt from income tax up to specified limits, have been increased in every budget since 1997. In the last four budgets alone, the limits have increased by almost 53% which is well ahead of inflation. After budget 2005, they stood at €16,500 per annum in the case of a single or widowed person and €33,000 per annum in the case of a married couple where one spouse is or both spouses are aged 65 or over.

Within available resources, the focus has been on assisting elderly persons on low incomes through annual increases in the age exemption limits. Such an approach is considered preferable to one where elderly income earners who reach a particular age threshold would be completely exempted from income tax regardless of their income. However, I point out to the Deputy that in the 2002 tax year the majority of income earners aged 65 or over on Revenue’s records had no liability for tax.

Stamp Duty.

254. Mr. Cregan asked the Minister for Finance if he will consider changes to stamp duty due to the perceived view that it is a tax on freedom of movement, is a disincentive against trading up and an unfair tax in settled and established areas; if he will consider alternations to allow the tax rate on that bracket only rather than on full sale value; if he will consider a further increase in threshold; and if he will make a statement on the matter. [23769/05]

Minister for Finance (Mr. Cowen): Stamp duty is a duty on the transfer of title to property. It is paid largely by the better off. It has been in existence since the 1960s and has not hindered persons moving, trading up or settling down. Accordingly, I do not propose to change the stamp duty code along the lines suggested by the Deputy.

Departmental Correspondence.

255. Mr. Cregan asked the Minister for Finance if he will make a statement on the perceived delays with correspondence and queries in the Dublin PAYE offices; if delays can be quantified; the reason for the delays; if a timetable for working off arrears will be given. [23770/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the peak period for receiving PAYE correspondence extends from January to June each year.

The volume of contacts from PAYE taxpayers in the Dublin region, in the period January 2005 through June 2005 was as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Contacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAYE tax returns and correspondence</td>
<td>320,832</td>
</tr>
<tr>
<td>PAYE phone calls answered</td>
<td>404,831</td>
</tr>
<tr>
<td>Callers to public offices</td>
<td>161,125</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>886,788</strong></td>
</tr>
</tbody>
</table>

This represents an increase of 17.35% in contacts over 2004.

All available resources during this period were concentrated primarily in dealing with the substantial increase in PAYE 1890 phone calls and callers to our public offices. The volume of unworked post reached its peak in mid April 2005.

The reasons for the delays included a significant increase in economic activity in the Dublin region resulting in a sizable increase in the casebase, for example approximately 20,000 new PAYE registrations in the first six months of 2005: the 17.35% overall increase in contacts from PAYE taxpayers in the same period; the reduction in the time period for repayment claims from ten years to four years resulted in a significant increase in the number of claims and in the complexity of those claims; many claims were for a ten-year period; and greater awareness by taxpayers of their entitlements to tax credits and reliefs as a consequence of an intensive advertis-
[Mr. Cowen.]
ing campaign by Revenue and other media
coverage.
Revenue inform me that through determined
efforts by Dublin management and staff, the
April backlog has now been substantially reduced
and it is planned to have dealt with all the pre-
July correspondence by 31 July. Management and
staff have been working in full co-operation to
clear the arrears. There have been no industrial
relation problems during this period and staff
shortages have not been an issue. Staff have in
fact been working extremely long hours in a
determined effort to clear the arrears and over-
time has been made available where necessary.

**Tax Code.**

256. Mr. Cregan asked the Minister for Finance
if he will examine the case of a person (details
supplied).

Minister for Finance (Mr. Cowen): I appreciate
the concerns of the case in question. However, if
there is no income tax liability then it is not pos-
sible to reclaim tax on medical expenses incurred.

**Credit Unions.**

257. Mr. Bruton asked the Minister for Finance
the annual budget and resources allocated to the
Registrar of Credit Unions since its establish-
ment. [23772/05]

Minister for Finance (Mr. Cowen): With the
enactment of the Central Bank and Financial
Services Authority of Ireland Act 2003 responsi-
bility for the statutory supervision of credit
unions passed from the Registrar of Friendly
Societies, under the aegis of the Department of
Enterprise, Trade and Employment, to the Regis-
trar of Credit Unions within the Financial
Regulator.

In accordance with section 33N of that Act, a
statement of income and expenditure for the fin-
cancial regulator, including the information sought
by the Deputy, must be laid before the Houses of the Oireachtas. The following information relating
to the annual budget and resources of the Registrar of Credit Unions was included in the
statements provided in February 2004 and April
2005 respectively:

<table>
<thead>
<tr>
<th></th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
<td>€000</td>
<td>€000</td>
</tr>
<tr>
<td></td>
<td>1,400</td>
<td>1,200</td>
</tr>
<tr>
<td>Resources</td>
<td>Staff</td>
<td>Staff</td>
</tr>
</tbody>
</table>

258. Mr. Bruton asked the Minister for Finance
if his attention has been drawn to the fact that
many credit unions representatives and volun-
teers believe that the Registrar for credit unions
is seeking changes beyond his legislative remit
and that both credit unions and the registrar are
seeking a review of current legislation in this area; the timeframe for such a review; and if he
will report on any discussions regarding such a
legislative review. [23773/05]

259. Mr. Bruton asked the Minister for Finance
if his attention has been drawn to the fact that
individual credit union officials should now com-
pete for board positions by way of proposals of
intent and that credit committees should also
have expertise appropriate to the type of loans
approved; if his attention has further been drawn
to the fact that these positions are voluntary and
it is therefore unrealistic to expect specific expert-
ise; and if he intends to pay for the education of
the volunteers in these specialist areas. [23774/05]

260. Mr. Bruton asked the Minister for Finance
if he has satisfied himself that the regulatory bur-
dens imposed on credit unions may be excessive
for some of the movement; his views on the merit
of introducing some transitional arrangements to
recognise the different ethos of credit unions
from other financial institutions. [23775/05]

274. Mr. Bruton asked the Minister for Finance
the reason the Registrar of Credit Unions organ-
sed a meeting with information technology sup-
pliers regarding future needs of credit unions
without consulting with credit unions on their
future requirements. [24212/05]

Minister for Finance (Mr. Cowen): I propose
to take Questions Nos. 258 to 260, inclusive, and
274 together.

Credit unions are regulated by the Registrar of Credit Unions within the financial regulator.
They are regulated primarily in accordance with
the Credit Union Act 1997.

The decision to maintain a distinct regulatory
structure for credit unions within the financial
regulator was a deliberate one, designed to reflect
their particular volunteer and community-based
ethos. This ethos was already reflected in the Cre-
dit Union Act.

The Credit Union Act lays down, not only pru-
dential and consumer protection rules, but also
the separate and distinct legal structure from
which credit unions benefit. This includes the
rules governing the conditions for registration as
a credit union and the procedure for the appoint-
ment of boards of directors, supervisory commit-
tees, credit committees, credit control committees
and membership committees.

Oversight of the system laid down in the Act is
the responsibility of the Registrar of Credit
Unions, who occupies a statutory post within the
financial regulator. The core function of the regis-
The need for such change.

I am aware of views being expressed about the possible need for changes to the Credit Union Act to reflect the changing role of credit unions in present-day Irish society. Such views have been expressed by credit union representative bodies as well as by the registrar. I am also conscious of the demands that the credit union regulatory system can impose on volunteers and the need to ensure that the regulatory burden is proportionate to the objective of protecting the savings of credit union members. I am aware that the registrar has been consulting widely with a view to encouraging the maximum consensus on changes to the regulatory system. I have also asked the credit union advisory committee to advise me on the need for such change.

Carer’s Allowance.

261. Mr. O’Dowd asked the Minister for Finance if his Department has plans to make the home carer’s tax credit available to those who have left the workforce to provide care and attention to seriously ill relatives and who are in receipt of carer’s benefit; and if he will make a statement on the matter. [23776/05]

263. Mr. O’Dowd asked the Minister for Finance if his Department has plans to make the home carer’s tax credit available to carers who have left the workforce to provide care and attention to seriously ill relatives in cases in which a carer’s income exceeds €6,500 in the year in which the home carer’s tax is claimable; and if he will make a statement on the matter. [23779/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 261 and 263 together.

I am informed by the Revenue Commissioners that home carer tax credit is available in the case of a married couple who are jointly assessed to income tax where one spouse is a home carer. A “home carer” is a person who cares for one or more dependant persons.

A dependant person for the purposes of the tax credit must be either a child for whom social welfare child benefit is payable, a person aged 65 years or over or a person who is permanently incapacitated by reason of physical or mental infirmity. In addition, the dependant must reside either with the carer, on the same property as the carer or next door in a neighbouring residence to the carer or within 2 km of the carer.

The home carer tax credit currently amounts to €770 per annum. Where the home carer has some small income in his or her own right, the tax credit may still be due. The tax credit is due in full where the home carer’s annual income does not exceed €5,080 and where it exceeds that amount, the tax credit is reduced by half the excess, effectively a reduction of 1 in the tax credit for every €2 of income, so that where the annual income exceeds €6,620 no tax credit is due. For example, if the income of the carer spouse is €5,850, a reduced tax credit of €385 applies. The income disregard was introduced to allow the home carer have a small income in his/her own right while retaining the tax credit. Also, the taper ensures that the credit is not lost at once when income exceeds the amount of the disregard.

While the carer’s allowance and carer’s benefit payable by the Department of Social and Family Affairs are regarded as income for taxation purposes, no account is taken of these payments in determining the home carer’s entitlement to the home carer tax credit.

In the case of a person who has left the workforce to care for seriously ill relatives and is in receipt of annual income in excess of €6,620, excluding the carer’s allowance or carer’s benefit from the Department of Social and Family Affairs, the home carer tax credit is not due. Any changes to the home carer tax credit would be a matter for consideration in the context of the annual budget and Finance Bill.

Tax Code.

262. Mr. G. Murphy asked the Minister for Finance when a person (details supplied) will receive a tax refund; and the amount of same. [23777/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that according to their records, a claim for repayment of income tax has not been received. This claim should be made on a form P50 which will issue to the taxpayer today. Any queries regarding same can be directed to the person’s local tax office at Sullivan’s Quay, Cork which can be contacted at Revenue’s Lo-call number 1890-444425.
Planning Issues.

264. Mr. Ring asked the Minister for Finance if, in relation to the capital allowance for hotels, a person had planning permission since December 2004 but due to difficulties with same, building has not commenced will still qualify for the capital allowance; the length of time the capital allowance is valid for; and if there will be an extension of the capital allowance for 2005. [23781/05]

Minister for Finance (Mr. Cowen): The Finance Act 2004 extended the write off period for capital allowances for hotels from seven to 25 years. It provided that capital expenditure incurred on or after 4 December 2002 on the construction or refurbishment of a hotel is to be written off at the rate of 4% per annum over 25 years. However, certain transitional provisions ensured that where a full and valid planning application was received by a planning authority before 31 December 2004 in respect of hotel projects, capital expenditure incurred on such projects on or before 31 July 2006 could continue to be written off over a seven year period at the rate of 15% per annum for the first six years and 10% in year seven. Thus, in cases where these transitional planning requirements have been met, capital expenditure incurred on the construction or refurbishment of a hotel can be written off over seven years where the expenditure in question represents work actually carried out on or before 31 July 2006. Expenditure incurred in respect of any work carried out after that date can be written off at 4% per annum over 25 years.

I directed my Department, together with the Revenue Commissioners, and in conjunction with external consultants to undertake a detailed review in 2005 of various property incentive reliefs, including this relief in respect of hotels. I also stated in budget 2005 that the termination dates for these schemes as laid down previously in Finance Act 2004 remain unchanged. In this regard I am not considering making any changes to the scheme until this review has been completed.

Mobile Telephony.

265. Mr. Kehoe asked the Minister for Finance if VAT charged here to mobile telephone calls made and completed or initiated in another State is illegal; and if he will make a statement on the matter. [23833/05]

Minister for Finance (Mr. Cowen): The position is that the charging of VAT on mobile telephone calls made and completed or initiated in another state is covered by section 5(5) of the Value Added Tax Act 1972, as amended, which transposes Article 9(1) of the sixth Council directive. This provides that VAT is charged in the place of establishment of the supplier.

Therefore, Irish suppliers of mobile phone services are liable to account for VAT on services provided to business and private customers, established or resident in the State, for their usage of those services anywhere in the world. Accordingly, the charging of VAT on mobile telephone calls made and completed or initiated in another state is not illegal.

Fiscal Policy.

266. Mr. Kenny asked the Minister for Finance the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23974/05]

Minister for Finance (Mr. Cowen): The 2004 gross allocation to my Department’s Vote was €127,753 million. The net allocation, having deducted estimated appropriations-in-aid of €0.412 million, was €127,342 million. The provisional outturn figures for 2004 were €91,579 million gross and €90,548 million net. The provisional surplus for surrender to the Exchequer was €56,794 million.

The 2004 provisional surplus was derived from the subheads set out in the following table and a note has been appended: (a) Where the saving is significant, i.e. where it exceeds €10,000 and represents 25% or more of an administrative subhead allocation, or where it exceeds €10,000 and represents 5% or more of a programme subhead allocation — this is in line with the presentation of such information in the appropriation accounts; (b) Where part of the savings on a subhead were vired to meet additional expenditure on another subhead and as such were not available for surrender to the Exchequer.

<table>
<thead>
<tr>
<th>Administrative Subheads</th>
<th>Description</th>
<th>Variation (Saving) from Estimate €000</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1</td>
<td>Salaries, Wages and Allowances</td>
<td>1,070</td>
<td>—</td>
</tr>
<tr>
<td>A.2</td>
<td>Travel and Subsistence</td>
<td>166</td>
<td>—</td>
</tr>
<tr>
<td>A.3</td>
<td>Incidental Expenses</td>
<td>1,644</td>
<td>Savings arose primarily in respect of an administrative contingency provision which was not required in 2004.</td>
</tr>
<tr>
<td>A.4</td>
<td>Postal and Telecommunications Services</td>
<td>148</td>
<td>—</td>
</tr>
<tr>
<td>A.5</td>
<td>Office Machinery and Other Office Supplies</td>
<td>626</td>
<td>—</td>
</tr>
</tbody>
</table>
### Administrative Subheads — Provisional Savings

<table>
<thead>
<tr>
<th>Subhead</th>
<th>Description</th>
<th>Variaton (Saving) from Estimate €000</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.6</td>
<td>Office Premises Expenses</td>
<td>90</td>
<td>—</td>
</tr>
<tr>
<td>A.7</td>
<td>Consultancy Services</td>
<td>270</td>
<td>The saving is due to reduced and delayed spending on a number of consultancies.</td>
</tr>
<tr>
<td>A.8</td>
<td>Centre for Management And Organisation Development</td>
<td>213</td>
<td>A number of projects, including a HRMS pension interface, were not proceeded with in 2004.</td>
</tr>
</tbody>
</table>

€1.049 million of the above savings were used to offset excess expenditure on subhead A.9 (European Presidency).

### Programme Subheads — Provisional Savings

<table>
<thead>
<tr>
<th>Subhead</th>
<th>Description</th>
<th>Variaton (Saving) from Estimate €000</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.</td>
<td>Consultancy Services</td>
<td>2,523</td>
<td>Spending under this subhead can vary significantly from year to year due to legal and financial issues. The subhead also contained a programme contingency provision which was not required in 2004.</td>
</tr>
<tr>
<td>E.</td>
<td>Ordnance Survey Ireland (Grant-In-Aid)</td>
<td>10,331</td>
<td>Ordnance Survey Ireland did not require the level of grant-in-aid provided for in the estimate as they had a significant cash surplus accumulated from the previous year.</td>
</tr>
<tr>
<td>F</td>
<td>Gaeleagras Na Seirbhísí Poblíd</td>
<td>12</td>
<td>—</td>
</tr>
<tr>
<td>G.</td>
<td>Civil Service Arbitration and Appeals Procedures</td>
<td>24</td>
<td>There were fewer sittings of the boards in 2004 than anticipated.</td>
</tr>
<tr>
<td>H.1</td>
<td>Review Body on Higher Remuneration in the Public Service</td>
<td>1</td>
<td>—</td>
</tr>
<tr>
<td>H.2</td>
<td>Public Service Benchmarking Body</td>
<td>1</td>
<td>Token provision</td>
</tr>
<tr>
<td>H.3</td>
<td>Committee for Performance Awards</td>
<td>10</td>
<td>The estimate included a provision for consultancy expenditure which, in the event, was not required in 2004.</td>
</tr>
<tr>
<td>I.</td>
<td>Contribution to the Common Fund for Commodities</td>
<td>182</td>
<td>Ireland’s expenditure in respect of its contribution to the UN Common Fund for Commodities was less than originally anticipated.</td>
</tr>
<tr>
<td>J.1.</td>
<td>Structural Funds Technical Assistance and other Costs</td>
<td>621</td>
<td>Savings arose as a result of staffing changes, leading to reduced activities and lower programme costs in 2004. €1 million was vired to meet a supplementary estimate for N.2 (Northern Ireland Interreg).</td>
</tr>
<tr>
<td>J.2.</td>
<td>Technical Assistance costs of Regional Assemblies</td>
<td>1</td>
<td>Some €0.5 million was vired to meet a supplementary estimate for N.2 (Northern Ireland Interreg) and a token balance was surrendered to the Exchequer.</td>
</tr>
<tr>
<td>K.</td>
<td>Committees and Commissions</td>
<td>120</td>
<td>This is a demand-led scheme. There was no expenditure under this subhead in 2004 as no situations arose which required investigation by commissions or committees.</td>
</tr>
<tr>
<td>M.</td>
<td>Change Management Fund</td>
<td>907</td>
<td>This shortfall reflects the extent to which Departments and offices did not claim reimbursement of expenditure incurred in relation to projects approved for support by the Fund.</td>
</tr>
<tr>
<td>N.2</td>
<td>Northern Ireland Interreg</td>
<td>100</td>
<td>Savings of €8.8 million were vired into this subhead, of which €100,000 was unspent at year-end.</td>
</tr>
<tr>
<td>N.3</td>
<td>Special EU Programmes Body</td>
<td>179</td>
<td>The saving arose due to lower staff costs in 2004.</td>
</tr>
</tbody>
</table>
Programme Subheads — Description | Variation (Saving) from Estimate €000 | Note
--- | --- | ---
O. | Ireland-Wales and Transnational Interreg | 200 | Expenditure did not reach anticipated levels due, *inter-alia*, to certain contributions to multi-annual transnational programmes not being called for in 2004.
P. | Information Society | 2,098 | A number of projects which were expected to draw down considerable funding in 2004 did not commence or proceeded more slowly than was anticipated.
Q. | Civil Service Childcare Initiative | 1,252 | Delays in the identification and purchase of sites for crèches in a number of locations led to the reduced outturn in 2004. Some €1 million was vired to meet a supplementary estimate for N.2 (Northern Ireland Interreg.) and the balance was surrendered to the Exchequer.
R. | Procurement Management Reform | 755 | The slower than anticipated roll-out of this programme led to the savings identified.
S. | Decentralisation Fund | 13,701 | The estimate of €20 million was to meet any up-front investment required under the Government’s decentralisation programme. However, it was subsequently decided to meet the capital costs that arose (site acquisition deposits) from Vote 10 Office of Public Works. €6.299 million was vired to meet a supplementary estimate for N.2 (Northern Ireland Interreg) and the balance was surrendered to the Exchequer.
T. | Appropriations-In-Aid | 619 | —

**Tax Code.**

267. Mr. Cregan asked the Minister for Finance when the tax age allowance was first introduced; the rate of same when introduced; when it was last increased; the level to which it was increased; and if he will consider an increase in the allowance in Budget 2006. [23987/05]

**Minister for Finance (Mr. Cowen):** The age tax credit, then the age tax allowance, was introduced by the Finance Act 1974. This provided an additional income tax personal allowance for the 1974-75 tax year and subsequent years. On its introduction, the age allowance was, in the case of a married person, £50 or €63 and for a single or widowed person, £25 or €32. The age tax credit was last changed in Budget 2002 when, in the context of the changeover to the euro, its value was increased slightly to €205 per annum for a single person aged 65 or over and to €410 per annum for a married couple where one spouse is or both spouses are aged 65 or over.

The question of a further increases in the value of the age tax credit will be a matter to be considered in the context of future budgets. However, I would point out to the Deputy that the approach adopted in recent years with regard to tax policy and the elderly has been to assist such persons primarily through increases in the age exemption limits under which those aged 65 or over are exempt from income tax up to specified limits.

268. Mr. O'Shea asked the Minister for Finance his proposals to remove the 21% VAT rate which applies to a medication used to treat bees (details supplied); and if he will make a statement on the matter. [24005/05]

**Minister for Finance (Mr. Cowen):** The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. The position is that the VAT rating of medicine of a kind used for animal oral consumption is generally subject to the zero rate of VAT. However, under EU Law, the supply of non-oral animal medicine does not qualify for the zero rate. The veterinary medicine in question, Bayvarol, is not taken orally and its supply is, therefore, subject to VAT at the rate of 21%.

Under the EU sixth VAT directive, I am precluded from adding to the range of supplies subject to the zero rate of VAT.

**Irish Language.**

269. Mr. O'Shea asked the Minister for Finance the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on
the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24008/05]

Minister for Finance (Mr. Cowen): My Department has not allocated a specific overall provision in its 2005 Estimates towards the cost of implementing the provisions of the Official Languages Act 2003.

The main area of expenditure on the Irish language in my Department is through Gaeleagras na Seirbhise Poiblí. Gaeleagras was established in the Department in 1971 with the general aim of promoting the Irish language throughout the Civil Service. Gaeleagras continues to make a significant contribution to the promotion and development of the use of Irish in the Civil Service including supporting the implementation of the Official Languages Act 2003. In anticipation of an increased level of activity in 2005, the allocation for Gaeleagras this year is €69,000, an increase of €131,000 over the 2004 outturn. Up to June 2005, Gaeleagras have spent €74,000 of this allocation. It is anticipated that the full allocation will be spent during the remainder of 2005.

Outside Gaeleagras, work relating to implementing the Official Languages Act 2003 is spread across the Department and is undertaken in conjunction with officials’ existing duties. It is, therefore, not possible to provide an overall cost for the implementation of the Act in the Department in 2005. However, the additional costs incurred by the Department associated with using external translation and printing services etc. arising from the Act is €6,342 to-date in 2005 and is estimated at around €40,000 for the full year in 2005.

Tax Code.

270. Mr. Cuffe asked the Minister for Finance the reason the Government opposed the French proposal for a tax on aviation fuel at a meeting of Finance Ministers; and if he will make a statement on the matter. [24072/05]

Minister for Finance (Mr. Cowen): At recent meetings of EU Finance Ministers, there has been discussions about exploring the possibility of introducing a tax on aviation fuel or a levy, compulsory or optional, on airline tickets for the purposes of raising revenue for development aid. Opinions differed on the wisdom of such an approach. Following these discussions, the European Commission was asked to submit an analysis of all the issues involved in a compulsory or optional levy on the purchase of airlines tickets.

However, some member states, including ourselves, expressed concerns about the impact on competitiveness which would arise from the imposition of a compulsory tax. This is of particular concern to a country like Ireland on the periphery of Europe where transport costs are particularly significant.

Tax Collection.

271. Mr. Bruton asked the Minister for Finance the extent of the practice of discretionary waivers at the Revenue Commissioners in respect of interest in the 1980s; if the practice was widespread; the number of cases that received such waivers; if he can state who in the Revenue Commissioners had the authority to allow such waivers; and if he will make a statement on the matter. [24148/05]

Minister for Finance (Mr. Cowen): Levying of interest charges is a matter for the Revenue Commissioners and the application or waiving of an interest charge in any instance is dealt with by Revenue under its powers of care and management. The exercise of these powers is carried on by and under the authority of the commissioners. I am informed by Revenue that payment of interest is considerably more problematic than payment of tax. Even in the present climate, where meeting tax obligations is increasingly seen as the correct thing to do, payment of interest is still strongly resisted with many taxpayers putting forward arguments for mitigation of the interest charge.

It is clear that in the 1980s tax collection was radically different from what it is today. There was a significant and widespread problem of non-payment of tax at the time. Revenue’s computer systems automatically calculated and issued an interest demand in respect of every late payment. However, this was entirely a process driven programme with no direct personal contact with the taxpayer and no differentiation between cases with genuine difficulties and those who were deliberately delaying payment.

The bulk of the collection effort had to be directed towards the recovery of the tax itself. I have been advised by Revenue that it was not in a position to follow through on the interest charges and invariably, the approach to interest was unsuccessful. In the circumstances, I am advised by Revenue that “discretionary waivers” in regard to interest did not generally arise. The reality was that, while interest charges were raised, widespread non-payment was the de facto situation with taxpayers systematically taking advantage of the fact that Revenue was not in a position to pursue payment. In the relatively limited number of cases where a taxpayer would have responded to the interest demand from Revenue by way of a request for waiver, such a request would have been considered on its merits and would in the normal course have been decided by the relevant officials in the Collector-General’s office handling the case.

Revenue policy and practice today in relation to interest collection are clear and very effective.
This is borne out by the fact that in 2004 debt was a mere 2.4% of collection for that year compared to 68% in 1988. This has been achieved through a combination of measures, including vastly improved collection performance and write-off of uncollectible debt.

Appointments to State Boards.

272. **Mr. Quinn** asked the Minister for Finance if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24178/05]

**Minister for Finance (Mr. Cowen):** One vacancy exists on each of the national treasury management agency advisory committee and the national pensions reserve fund commission, due, respectively, to the retirement and to the expiry of the term of office of members. There are three vacancies on the disabled drivers medical board of appeal arising from the recent expansion of the board. Arrangements are in train for the filling of these vacancies.

273. **Mr. Quinn** asked the Minister for Finance if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24192/05]

**Minister for Finance (Mr. Cowen):** Three vacancies will arise on the board of An Post National Lottery Company in November 2005. These vacancies will be filled in accordance with section 14 of the National Lottery Act 1986.

In considering persons for appointment to boards under the aegis of my Department, I have regard to a range of factors, including the guidelines set out in the Cabinet handbook regarding eligibility, transparency and gender balance.

**Question No. 274 answered with Question No. 258.**

Benchmarking Awards.

275. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if his Department will take steps to make payment due under parallel benchmarking to persons in general operative grades employed by the Central Fisheries Board and regional fisheries board; and if he will make a statement on the matter. [23780/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. P. Gallagher):** Payment of the second phase of benchmarking and general round increases is due to be paid to the general operatives and foreman grades of the central and regional fisheries boards subject to the approval of their modernisation action plan. The performance verification group has recently approved the plan and the Department has instructed the Central Fisheries Board to apply the pay increases as soon as possible.

Ethics in Public Office.

276. **Aengus Ó Snodaigh** asked the Minister for Communications, Marine and Natural Resources if his Department has issued ethical guidelines to public representatives in keeping with the Kimberley Process and to assist them in ensuring that they do not inadvertently invest in conflict diamonds. [23898/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Deputy will be aware that my Department has not issued ethical guidelines to public representatives in keeping with the Kimberley Process.

Post Office Network.

277. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources his views on requests (details supplied) made by the Irish Postmasters Union; and if he will make a statement on the matter. [23525/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government and the board of An Post are committed to the objective of securing a viable and sustainable rural post office network as set out in the programme for Government. The overarching objective continues to be the retention of post office services in as many locations as possible in the manner which best meets consumer needs whether services are provided via post offices, postal agencies or the Postpoint network. I would like to outline my commitment and that of the Minister for Social and Family Affairs, Deputy Brennan, to the post office network. This has been demonstrated in meetings with interested parties, including my meetings and those of the Minister for Social and Family Affairs with the IPU.

I reiterate my view and that of my colleague, Deputy Brennan that we want to see An Post delivering social welfare payments to the maximum number of people. Quality customer services, however, mean that people must be allowed to choose their preferred method of payment. An Post has commenced work on a new business model for the post office network that will involve a substantial upgrade of information
technology systems to offer electronic funds transfer functionality to social welfare recipients and a wider suite of financial and other services to new and existing customers. Pending progress on the system upgrades, I have agreed with the Minister for Social and Family Affairs that, for the moment, all payment options will receive equal standing on social welfare forms and that the Department of Social and Family Affairs will not actively push EFT for social welfare clients.

On the issue of upgrading post offices, the automation of the network was completed in 1997 and it has only been in very exceptional circumstances, such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location that transacts significant volumes of welfare business, that further offices were automated since then. However, I am convinced that An Post’s long-term strategy must satisfactorily address electronic technology in a comprehensive fashion. In the interim, a pilot project will see ten small post offices computerised. In a separate initiative, the company, in conjunction with the Department of Community, Rural and Gaeltacht Affairs, is working on an initiative to automate nine island post offices. As many strands of the upgrade strategy are being advanced, I have informed the IPU that a meeting at this stage would not add much to the process but I have undertaken to keep it informed on this issue.

Parliamentary Questions.

278. Mr. Kehoe asked the Minister for Communications, Marine and Natural Resources when this Deputy will receive a reply to Question No. 159 of 22 June 2005; and if he will make a statement on the matter. [23684/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): As indicated in my reply to Question No. 159 of 22 June 2005, my Department is compiling the relevant material and I will write to the Deputy in this regard as soon as possible.

Departmental Reports.

279. Mr. Kehoe asked the Minister for Communications, Marine and Natural Resources when the report commissioned by his Department on the decommissioning requirements of the scallop fishing fleet will be published; and if he will make a statement on the matter. [23685/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I understand that the report of the review that I announced on 10 June 2005 will be presented to me next week. I intend to have the report published as soon as possible thereafter.

280. Mr. Kehoe asked the Minister for Communications, Marine and Natural Resources if his Department has made a study of the most suitable areas for wave or tidal generated electricity in this country; if so, the areas which were most suitable; and if he will make a statement on the matter. [23686/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The technologies to harness wave and tidal energies to produce electricity are at an early stage of research globally. An extensive research and development programme must be successful before this significant potential resource can be efficiently harnessed and the most suitable sites identified. Ireland participates in the International Energy Agency’s research and development implementing agreement on ocean energy to monitor and benefit from worldwide expertise. In addition, at the national level, Sustainable Energy Ireland, SEI, and the Marine Institute have jointly commenced a research and development programme to identify the potential of wave and tidal energy in Ireland and also to assist industry to investigate prototype devices.

Research projects under way include Tidal and Marine Current Energy Resource in Ireland, a study on the potential economic benefits from the development of ocean energy in Ireland and a study to establish the total, feasible, practical Irish offshore wave energy resource. Other research supported by SEI and the Marine Institute in recent years include Marine Institute — Development and Evaluation Protocol for Ireland in 2004, the Hydam Technology Limited design study support to finalise the mathematical model of the MWP in 2004, University College Dublin’s tidal energy feasibility study in 2004, the ESBI’s Inshore Atlantic Wave Regime: County Clare in 2003, Ocean Energy’s B2D2 wave energy pilot plant in 2003 and Wavebob Limited’s The Wavebob in 2004. It is anticipated that reports of these studies will be published in due course. I will continue to monitor progress to ensure that as the technologies develop, we are well placed to harness the significant wave and tidal resources.

281. Mr. Kehoe asked the Minister for Communications, Marine and Natural Resources if his Department has made a study of the most suitable areas for wind generated electricity in this country; if so, the areas which were most suitable; and if he will make a statement on the matter. [23687/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The most suitable locations for wind farms are those sites that can secure planning permission or a foreshore lease and licence in the case of offshore projects, have suitable wind speeds and can access the electricity network. Sustainable Energy Ireland, SEI, has published a digital map of our
onshore and offshore wind resource. The wind atlas is available on DVD-ROM from the Renewable Energy Information Office, Bandon, County Cork and a lower resolution version is accessible on the SEI website at www.sei.ie. These resources allow any interested party to identify suitable wind energy resources at heights of 50, 75 and 100 metres at any location.

In addition, the draft wind farm planning guidelines published by the Department of the Environment, Heritage and Local Government in 2004 propose that areas suitable for the development of wind farms should be identified within each county development plan and will be published in final form shortly. As county development plans identify suitable sites, these can be cross-referenced to the wind resource map. It will then be possible to target infrastructure upgrades on the electricity networks at identified locations to maximise the contribution of wind energy to the electricity mix at least additional cost to consumers.

Search and Rescue Service.

282. Cecilia Keaveney asked the Minister for Communications, Marine and Natural Resources when urgent structural and physical works will be carried out on a building (details supplied) in County Donegal; and if he will make a statement on the matter. [23688/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): There are no urgent structural and physical works required at the Marine Rescue Centre at Malin Head, County Donegal. However, as part of the future development of the marine emergency co-ordination services of the Irish Coast Guard, proposals to develop the Malin Head station further are being considered at this time and this process will be completed as quickly as possible.

Natural Gas Grid.

283. Mr. Eamon Ryan asked the Minister for Communications, Marine and Natural Resources if he will provide details of where the public can view the documents submitted in compliance with the consent issued under EU Directive 85/337EEC as amended, in respect of the development of the Corrib Gas pipeline. [23689/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under Directive 85/337 and 97/11, assessment of the effects of certain public and private projects on the environment, the developers of the Corrib gas field project submitted to my predecessor an environmental impact statement, EIS, together with their application for consent to construct a pipeline. In accordance with the requirements of EU and national legislation, the documentation was put on public display by the developers for a period of one month for the making of objections and representations on the application.

The environmental aspects of the development were examined fully by the marine licence vetting committee, MLVC, which is an independent body composed of professional experts across the disciplines relevant to the project. In addressing the EIS, the MLVC brought its own expertise to bear and fully examined any views of interested parties and those expressed by persons who, during the public consultation process, submitted observations. Following the consultation process and the MLVC deliberations, it submitted to my predecessor its considered views and recommendations.

In line with the commitment given at a seminar held in Geesala on 25 July 2001 and in the interests of transparency, the MLVC report on which my predecessor’s decisions on the various applications were based was published. The Department and the environmental monitoring group, EMG, which was set up as a condition attaching to the various approvals, are monitoring the documentation submitted by the developers in compliance with the conditions attached to the pipeline consent. The EMG is composed of professional experts from the Department and other bodies across the disciplines relevant to the environmental conditions attached to the various approvals as well as departmental officials and members of Mayo County Council, Shell E & P Ireland Limited and representatives from various local Mayo residents groups. This group meets on a monthly basis and has the responsibility, inter alia, of exchanging information on the Corrib gas field project in respect of environmental management and monitoring. There is no prohibition on any individual member or representative group on the EMG providing this information publicly. I am aware that the resident groups members hold regular meetings in their communities and this would be an appropriate opportunity for disseminating this information.

Fisheries Protection.

284. Mr. Perry asked the Minister for Communications, Marine and Natural Resources further to the recent confirmation from a laboratory in France of the discovery of bonamia ostrea in live oysters in Lough Foyle, the action he will take to allay the fears of the fishermen in Lough Swilly to prevent this outbreak spreading to Lough Swilly; and if he will make a statement on the matter. [23691/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In line with the requirements of EU regulations, measures are in place that provide for the control of movements of oysters and other shellfish from bays around the coast. Immediately on the Department’s receipt of notification from its scientific advisers, the Marine Institute, of a possible positive test for bonamia in Lough Foyle, applications made to the Depart-
Fishing Industry Development.

285. Mr. Broughan asked the Minister for Communications, Marine and Natural Resources his views on decommissioning and compensation for coastal communities reliant on fishing; and if he will report on any progress in respect of the grave difficulties endured by the scallop fishing fleets of the south east. [23750/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): On 10 June, I announced a review of the overall need for decommissioning. This review is ongoing and involves an assessment of the need and extent of the decommissioning requirement for the various demersal and shellfish fleets, including scallops. This review will be completed shortly and will give an important overall perspective. It will examine the various issues, including eligibility for decommissioning aid where strict EU rules apply. I cannot pre-empt the outcome of this review. It is a planned and structured approach and I look forward to receiving the report within the next week or so, following which I will urgently examine it.

Industrial Relations.

286. Mr. Cregan asked the Minister for Communications, Marine and Natural Resources if he will report on ongoing staff negotiations at An Post; the reason matters are being allowed to drift on; if he is directly involved; if they are being left to management; the details of increases in payment to the board and the chair; and the reason for same. [23751/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no statutory function in regard to industrial relations issues within An Post. It is an operational issue for the board and management of the company. The full resources of the State’s industrial relations machinery continue to be made available to management and unions to assist in resolving industrial relations issues at An Post. I have urged both sides to make full use of that machinery and I understand that the process is still ongoing. The difficulties within An Post are long-standing and deep-seated and, therefore, obtaining agreement to a recovery strategy by all stakeholders has been difficult.

In regard to the non-payment of Sustaining Progress increases, in which An Post has invoked the “inability to pay” clause, the unions have referred this matter to the Labour Relations Commission, LRC, and the Labour Court. Following a hearing in the Labour Court in March 2005, the LRC appointed assessors to examine whether the company was correct to invoke the “inability to pay” clause. The assessors’ report was presented to both parties in the LRC in early June. The key recommendation was for an increase of 5% backdated to 1 January 2005. An Post unions have not accepted this recommendation and the issue will now be referred to the Labour Court. An Post intends to implement the assessors’ recommendation and will pay employees a 5% increase at the end of June 2005 backdated to 1 January 2005.

The Government decides the remuneration scale for the chairpersons of State bodies. Essentially, the remuneration package is dependent on the size of the body. Given its size and the importance of the services it provides, An Post is a category one State body and the fee level for the chairperson is €19,046 per annum. However, a higher fee level than the norm can be approved by the Minister for Finance for individual chairpersons. This tends to arise when a State body is facing particular challenges and the commitment required of the chairperson would be greater than the norm. The board of An Post would have no role in deciding the remuneration package for the chairperson.

The appointment of the current chairperson of An Post was made in February 2003 subject to payment of the normal fee for category one chairpersons. However, the chairperson sought an increased rate of remuneration in June 2003 arising from the significant time commitment that the chairperson considered was necessary. The fee sought was based on a rate per day that, when aggregated, amounted to an annual package of approximately €50,000. By this time, it was clear that An Post was facing significant challenges both on the financial and industrial relations fronts and, as a result, the chairperson of An Post considered that a greater time commitment than the norm was required.

The key role of the board was reiterated when my predecessor, Deputy Dermot Ahern, met the board in October 2003 and reminded its members of their crucial oversight obligations in regard to the recovery strategy for An Post. To reflect the importance of the role of the chairperson in overseeing the recovery strategy, it was decided by the Minister for Finance that the chairperson could be offered a remuneration package of €50,000 per annum which she has accepted. Members of the board at An Post are paid...
287. **Mr. S. Ryan** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to a company (details supplied) which has announced recently that it plans to outsource its remaining three vessels that operate on the Irish Sea with low cost foreign labour and to fund this job replacement policy with a similar arrangement; the steps he proposes to take to prevent this policy being implemented; and his proposals to ensure that commitments guaranteed by both the Government and this company in respect of future employment of the workforce are met in full. [23752/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The Department of Communications, Marine and Natural Resources does not have a role in industrial relations matters. An agreed joint statement was issued from Irish Ferries and SIPTU on 16 June 2005, stating that the parties have agreed to appoint assessors to conduct a comprehensive review of operations encompassing the Irish Sea and continental corridors. The parties have requested the assessors to develop to set of recommendations designed to meet the requirements of the business for their consideration within a six week timeframe. According to the joint statement, it was also agreed that there would be no action in any form nor would there be any further media statements for the duration of the assessment process.

**Water Quality.**

288. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the measures his Department and the fisheries board intend to take following the Environmental Protection Agency report on water quality (details supplied). [23755/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Primary responsibility for protecting water quality rests with the relevant local authorities and proposals to deal with environmental threats in this area are a matter for these bodies to decide in consultation with the Environmental Protection Agency and the Department of the Environment, Heritage and Local Government. Under the Fisheries Acts, the central and regional fisheries boards that have primary responsibility for the protection, conservation and management of inland fisheries stocks and operate under the aegis of this Department are co-operating closely with the Department of the Environment, Heritage and Local Government and its agencies in rolling out the water framework agenda. I am assured by the fisheries boards that for their part they will make every effort to ensure that under this agenda, sufficient priority and focus will be placed on addressing water quality and the impact on fisheries identified in the EPA reports.

**Grant Payments.**

289. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if grant assistance will be provided to assist in the development of a marina at Fahan in County Donegal (details supplied); and the grants available to private developers of marinas in the State. [23756/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** An application was submitted under the port infrastructure and marine safety measure, INTERREG IIIA Ireland-Northern Ireland programme for the development of a marina and onshore facilities at Fahan, Lough Swilly, County Donegal. The project is the subject of correspondence between the promoter’s solicitors and the Chief State Solicitor in respect of compliance with the terms and conditions of the foreshore lease relating to the development. In the circumstances and pending the resolution of these fundamental issues, consideration of an application by the company for funding under the INTERREG programme cannot be progressed. Other than the INTERREG programme, since the suspension of the marine tourism grant scheme in December 2002, no funds have been available from the Department to support the development of marinas in the State.

**Fishing Vessel Licences.**

290. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if a ship (details supplied) is having its name changed; if the shortfall in tonnage for said vessel will be made up; the history of said vessel; and if it will be used in the future for fishing purposes. [23757/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I understand that an application was made to my Department on 23 May 2005 for a name change for the vessel concerned. The ministerial consent required under section 67 of the Mercantile Marine Act 1955 in respect of the name change was conveyed to the vessel owners’ solicitors on 26 May 2005. I understand that the name change for the vessel has not been effected yet pending completion of certain registration procedures by the vessel owners with the Registrar of Shipping at Sligo Port.

The Licensing Authority for Sea-fishing Boats, to which responsibility for the licensing of sea-fishing boats transferred under the Fisheries (Amendment) Act 2003, has informed me that there is no outstanding shortfall in replacement capacity in respect of the current vessel. Full replacement capacity was provided prior to
licensing of the newly built vessel on 10 April 2001. Replacement tonnage was provided on the basis of gross registered tonnes in accordance with licensing policy in place at that time.

The licensing authority understands that the owners of the current vessel propose to introduce a new replacement vessel later this year and to register it under the present name on the vessel. It also understands that they propose to remove the current vessel from the register and expects that the capacity of the vessel will be used towards the licensing of the replacement vessel. Any shortfall in replacement capacity would need to be provided before the replacement vessel could be licensed and registered by the licensing authority. The licensing authority is not at this stage aware of the proposed future use of the current vessel following its deregistration. In the meantime it proposes to renew the sea-fishing boat licence for the vessel with effect from 1 July 2005.

Departmental Properties.

291. Ms Shortall asked the Minister for Communications, Marine and Natural Resources his Department’s interest in retaining a property (details supplied) in County Donegal; his Departments plans for this building and when it will be used; and if his Department will provide an explanation to the person in question regarding its intentions in this matter. [23759/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Irish Coast Guard of the Department proposes to retain the property in question for the storage of emergency response and counter pollution equipment.

Fisheries Protection.

292. Mr. Perry asked the Minister for Communications, Marine and Natural Resources his views on the recent study by the Royal Irish Academy, Biology and the Environment: Threatened Irish Freshwater Fishes; and if he plans to draft a future programme to protect valuable native Irish species (details supplied). [23761/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): On 15 June 2005, I was pleased to launch on behalf of the Royal Irish Academy and the Irish Char Conservation Group its publication on Threatened Irish Freshwater Fishes. This publication makes a very valuable contribution to our knowledge of some of Ireland’s rare native species which are an important and unique aspect of our natural heritage. The publication brings together important information as to what these rare fish species are, their distribution and status as well as recommendations for their future conservation.

Under the Fisheries Acts, primary responsibility for the protection and conservation of freshwater fish stocks rests with the central and regional fisheries boards. I understand that measures to protect the species referred to in the Royal Irish Academy’s publication are being taken by the fisheries boards in the context of the European Union’s water framework directive. In this regard, I am advised by the Central Fisheries Board that the status of smelt, shads and lamprey populations is currently being investigated by it and the regional fisheries boards as part of the national fisheries research programme and in specific locations on behalf of the national parks and wildlife service and the Department of the Environment, Heritage and Local Government.

I am sure that the knowledge shared through the publication referred to by the Deputy will assist the fisheries boards meaningfully in their task of conserving and protecting these species. The central and regional fisheries boards are co-operating closely with other Departments and agencies in rolling out the water framework agenda. I am assured by the fisheries boards that for their part they will make every effort to ensure that, under this agenda, sufficient priority and focus will be placed on addressing the pressures on these particular species.

Inland Fisheries.

293. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the measures he will take to help snap fishermen on the River Suir; and if his attention has been drawn to the fact that the outflow pipe (details supplied) was installed into the river by Tipperary County Council without any foreshore licensing. [23762/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I met representatives of snap net fishermen who operate on the River Suir in Carrick-on-Suir on 3 June. I have noted the issues and concerns that were raised at the meeting and will have the points that were put to me considered carefully in conjunction with the report on the matter that has been prepared by the Department’s engineering division. The engineering division’s report states that the effect on fishing of the waster water treatment plant outfall can only be described as localised and minor. The fishermen have also been invited to furnish to the Department copies of the fishing records for the section of the river that they say has been affected by the outfall. The formal granting of a licence under the Foreshore Acts in respect of the outfall is being finalised.

Research Funding.

294. Mr. Perry asked the Minister for Communications, Marine and Natural Resources if the Government is financially supporting the marine research programmes on which Norway and Ireland are due to co-operate; the length of time co-operation is due to last between the two countries on this project; if the Government is
financially supporting this co-operation, the length of time funding will last; and if funding will be increased if necessary for the programme.

[23764/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The agreement for collaboration between the Marine Institute in Ireland and the Institute of Marine Research in Norway was set out in a memorandum of understanding signed on 15 June 2005. The programmes of research undertaken by the Marine Institute are funded through the annual grant made to it through the Department’s Vote. The areas of collaboration include seabed, habitat and oceanographic surveys, fish farming and fish health, joint use of major equipment, exchange of personnel, collaboration on the ship time and best practice for the operation of research vessels. The collaboration will consist of creative exchange and facilities on approved national programmes at little additional cost to either partner.

Under the programme on fisheries acoustics, the annual blue whiting acoustic survey measures the size of the blue whiting stock as it aggregates to spawn off the west of Ireland. The RV Celtic Explorer, Ireland, and RV Geosars, Norway, work closely together and exchange personnel. The total cost of this project is €402,138, which is funded 50% by the Marine Institute and 50% by the EU. The survey fulfils Ireland’s obligations under the EU data collection regulation, EU Council Regulation 1543/2000. The memorandum of understanding is in force for a four-year period and it is not anticipated that any funding additional to that approved annually for the Marine Institute’s overall research programmes will be required. The collaboration is designed to be mutually beneficial and to enhance the quality of the research work undertaken, and it is anticipated that it will deliver considerable additional value for money.

Inland Fisheries.

295. Mr. Perry asked the Minister for Communications, Marine and Natural Resources if the Fisheries Board has sourced the reason behind the recent fish kill of 600 trout and young salmon on the campus grounds of the University of Limerick; and the measures being put in place to prevent a similar reoccurrence. [23765/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, primary responsibility for the protection, conservation and management of inland fisheries stocks is a matter for the relevant regional fisheries board, in this case the Shannon Regional Fisheries Board. I am advised by the chief executive officer of that board that a fish kill occurred on a mill stream off the main River Shannon at the University of Limerick on 11 June 2005. I understand that in the course of its investigation, the board observed a total of 544 dead fish in the millrace. While trout were the predominant species killed, other species killed included salmon parr, sea lamprey, dace, stoneloach and minnow.

The fisheries board advises me that it has now identified the suspected source of the pollution and is compiling the evidence necessary to consider initiating a prosecution in the matter. I understand that the board has already been in contact with the suspected offender and requested that certain works be undertaken to prevent a recurrence of the incident. In the wider context, the regional fisheries board is strongly urging people on or near rivers to recheck their pollution control systems to ensure that they are sufficient for the task required.

Water Pollution.

296. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the source behind these chemicals entering fish in the Liffey; the way in which his Department and the Fisheries Board are working to stop these chemicals interfering with fish. [23766/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Primary responsibility for protecting water quality rests with the relevant local authorities and proposals to deal with environmental threats in this area are a matter for these bodies to decide in consultation with the Environmental Protection Agency and the Department of the Environment, Heritage and Local Government. Under the Fisheries Acts, the central and regional fisheries boards have primary responsibility for the protection, conservation and management of inland fisheries stocks and operate under the aegis of this Department. They cooperate closely with the Department of the Environment, Heritage and Local Government and its agencies.

In this regard, I understand that the Eastern Regional Fisheries Board provided assistance to the Environmental Protection Agency in its recent investigations carried out on water quality and its impact on fisheries in the River Liffey. I understand that the fisheries board agrees with the conclusion of the EPA that further investigations are required to identify and quantify the substances causing the oestrogenic effects. It is the board’s view that such an analytical programme, due to its complexity, should be confined to locations where biological or oestrogenic effects are indicated. I am assured by the board’s chief executive officer that it will continue to liaise with the EPA and give whatever assistance it can to further these investigations.

Departmental Expenditure.

297. Mr. Kenny asked the Minister for Communications, Marine and Natural Resources the amount of his Department’s budgetary allo-
cation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the Vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23975/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): A total of €1.48 million of the Communications, Marine and Natural Resources 2004 Estimate provision was surrendered to the Exchequer. A table shows the budgets and outturns at a subhead level in 2004 for expenditure together with total estimated and actual receipts. The surrender to the Exchequer in any one year is a function of both expenditure and receipts in that year. It is not possible, therefore, to associate the surrender with specific subheads, although the table below does set out details of variations from planned expenditure at subhead level that contributed to overall gross savings.

In general, savings under the annual Vote provisions arise within capital expenditure programmes. Prior to the introduction of the multi-annual capital investment framework in 2004, Departments were allocated within the annual Estimates process a capital budget for the current year. No provision was made for the carry over of any capital savings to future years. This process did not facilitate best practice multi-annual project planning or guarantee the position in respect of future allocations for capital projects.

The multi-annual capital investment framework, announced by the Minister for Finance in the December 2003 budget, provides for multi-annual capital envelopes of five years and year-to-year carry overs and addresses these difficulties by enabling Departments and their agencies to plan and manage more efficiently and effectively their capital investment programmes. Savings arising in one year can now be carried forward to fund future requirements as part of a multi-annual capital investment plan. A total of €10 million of overall 2004 savings were, accordingly, carried over to 2005. The framework will also ensure that both a proper balance is maintained between different areas of investment and that value for money is obtained from capital investment.
<table>
<thead>
<tr>
<th>Subhead</th>
<th>Estimate</th>
<th>Outturn</th>
<th>Carryover to 2005</th>
<th>Total Appropriated (2+3)</th>
<th>Variation (4-1)</th>
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<tbody>
<tr>
<td></td>
<td>(€000s)</td>
<td>(€000s)</td>
<td>(€000s)</td>
<td>(€000s)</td>
<td>(€000s)</td>
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<td>2</td>
<td>3</td>
<td>4</td>
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<td>A1-A9 Administration</td>
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<tr>
<td>C2 Development &amp; Upgrading of Harbours for Fishery Purposes</td>
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<td>C3 Coast Protection &amp; Management</td>
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<td>C4 Marine &amp; Natural Resources Tourism Programme</td>
<td>2,851</td>
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<td>C5 Foreshore Development</td>
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<td>82</td>
<td>—</td>
<td>82</td>
<td>-767</td>
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<td>D1 Marine Institute (Grant-in-Aid)</td>
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<td>18,952</td>
<td>500</td>
<td>19,452</td>
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<td>D2 Salmon Research Agency</td>
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<td>259</td>
<td>—</td>
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<tr>
<td>D3 National Seabed Survey</td>
<td>4,300</td>
<td>4,514</td>
<td>500</td>
<td>5,014</td>
<td>714</td>
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<td>E1 Bord Iascaigh Mhara</td>
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<td>28,475</td>
<td>—</td>
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<td>E2 Fisheries Conservation &amp; Management</td>
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<td>1,558</td>
<td>350</td>
<td>1,908</td>
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<td>E3 Fish Processing</td>
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<td>E4 Aquaculture Development</td>
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<td>4,462</td>
<td>445</td>
<td>4,907</td>
<td>-23</td>
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<td>E5 Aquaculture Licences Appeals Board</td>
<td>263</td>
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<td>F Inland Fisheries</td>
<td>23,018</td>
<td>21,880</td>
<td>1,665</td>
<td>23,545</td>
<td>527</td>
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<td>G1 Petroleum Services</td>
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<td>G2 Energy Conservation (Grant-in-Aid)</td>
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<td>G3 Farm Electrification Grant Scheme</td>
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<td>H1 Regional Broadband &amp; Technology Demonstration Programme</td>
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<td>26,450</td>
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<td>I1 Grant to RTE for Broadcasting Licence Fees (Grant-in-Aid)</td>
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<td>160,569</td>
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<td>I2 Payment to An Post for Collection of Broadcasting Licence Fees</td>
<td>12,229</td>
<td>12,189</td>
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<td>12,189</td>
<td>-40</td>
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<tr>
<td>I3 Broadcasting Commission of Ireland (Grant-in-Aid)</td>
<td>6,345</td>
<td>4,991</td>
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<td>4,991</td>
<td>-1,354</td>
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<td>I4 RTE — Deontas i leith Theilifis na Gaeilge (Deontas-i-gCabhair)</td>
<td>24,161</td>
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<tr>
<td>I5 Broadcasting Fund</td>
<td>8,804</td>
<td>8,451</td>
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<td>8,451</td>
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<td>J Change Management Fund</td>
<td>300</td>
<td>192</td>
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<td>-108</td>
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<tr>
<td>K Other Services</td>
<td>4,496</td>
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<td><strong>Total</strong></td>
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<td>10,000</td>
<td>451,080</td>
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<td><strong>Receipts</strong></td>
<td>208,346</td>
<td>194,977</td>
<td>—</td>
<td>194,977</td>
<td>13,369</td>
</tr>
<tr>
<td><strong>Net Outturn-Surrender</strong></td>
<td>257,582</td>
<td>246,103</td>
<td>10,000</td>
<td>256,103</td>
<td>-1,479</td>
</tr>
</tbody>
</table>
298. Mr. O’Shea asked the Minister for Communications, Marine and Natural Resources the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24009/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): My Department provisionally estimates that €13,300 has been spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003. My Department is not in a position to provide an estimate of expenditure for the full year. Expenditure will continue to be monitored closely.

Proposed Legislation.

299. Mr. Gogarty asked the Minister for Communications, Marine and Natural Resources if there are plans to introduce regulations regarding the qualifications of gas installers; and if he will make a statement on the matter. [24044/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Natural gas and, in particular, the safe use of this important resource is a key priority. I have undertaken to strengthen existing legislation with the aim of enhancing public safety and reducing the number of gas related accidents taking place annually. To this end, I have obtained Government approval to prioritise the drafting of natural gas safety legislation that will be included in the energy (miscellaneous provisions) Bill.

The legislation being drafted by the Office of the Parliamentary Counsel provides, inter alia, that the promotion and regulation of safety in the downstream natural gas sector, including gas installers, shall become a function of the Commission for Energy Regulation, CER. Stemming from this, it is proposed the CER will establish and implement a natural gas safety regulatory framework and report to me on its functioning.

In parallel with this process, my Department has carried out a public consultation process in conjunction with the CER in respect of natural gas safety, both as a clear signal to the market of my intention to see regulation strengthened in this area and also to allow the sector to provide positive inputs on the new safety regime proposed. The legislation also provides for a scheme of regulation specifically aimed at gas installers. Such a scheme will ensure that all future work on natural gas fittings conforms to the appropriate safety standards. It will also make it unlawful for any person who is not a certified natural gas installer to work on a natural gas fitting.

Regional Fisheries Boards.

300. Mr. Naughten asked the Minister for Communications, Marine and Natural Resources if he will intervene in and review the unjust fish-

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): As I have already informed the House several times, under the Fisheries Acts 1959 to 2001 the regional fisheries boards are empowered to apply a permit charge for angling on fisheries under their control and management. However, the application of such a permit charge is an operational matter solely for the relevant board to decide, in this instance the Shannon Regional Fisheries Board, and is not an issue over which I as Minister of State have any function.

I am advised by the Shannon Regional Fisheries Board that it has had a permit charge for trout angling for many years on fisheries that it controls and manages in the region. I understand that the fisheries board, in reviewing its management and the fees charged for its fisheries in 2002, decided to extend the permit charges to cover coarse angling on the board controlled fisheries on the basis that it was unfair to charge one angler to fish for one species while another angler fishing for a different species on the same water was not charged.

The Shannon Regional Fisheries Board assures me that the permit income is reinvested in the conservation and day-to-day management and development of these fisheries. In this regard, the board is actively promoting the region’s fisheries abroad in partnership with tourist bodies and others relevant interested parties. However, the board advises me that while the Suck Valley Development Co-Operative Limited was invited to participate in this approach, it has so far declined to take part. As this is an operational matter for the board to determine, it would be inappropriate for me to intervene.

Departmental Appointments.

301. Mr. Quinn asked the Minister for Communications, Marine and Natural Resources if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24179/05]

302. Mr. Quinn asked the Minister for Communications, Marine and Natural Resources if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24193/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 301 and 302 together.

The information requested by the Deputy is provided in a table. Vacancies will be filled as soon as practicable.
<table>
<thead>
<tr>
<th><strong>Communications</strong></th>
<th>Current vacancies and reason why occurring</th>
<th>Method of appointment</th>
<th>Vacancies occurring to end of 2005 and reason why occurring</th>
<th>Method of appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digital Hub</td>
<td>Three current vacancies. 11 current members but board has potential for 14</td>
<td>Ministerial nominations. Digital Hub Development Agency Act 2003, paragraphs 15(10) and (11)</td>
<td>No vacancies to end of 2005</td>
<td></td>
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<tr>
<td>RTE</td>
<td>Two vacancies, one pending election of a staff representative.</td>
<td>Appointed by Government. Broadcasting Authority Act 1960 — Section 6</td>
<td>No further vacancies to end of 2005</td>
<td></td>
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<tr>
<td><strong>Energy</strong></td>
<td></td>
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<tr>
<td>EirGrid</td>
<td>One current vacancy. Resignation of member</td>
<td>Ministerial nomination with consent of Minister for Finance. S.I. No. 445/2000: European Communities (Internal Market in Electricity) Regulations, 2000, Section 53(9)</td>
<td>No further vacancies to end of 2005</td>
<td></td>
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<tr>
<td>Sustainable Energy Ireland</td>
<td>Three current vacancies. Expiry of term</td>
<td>Ministerial nomination. Sustainable Energy Act 2002, sections 10(13) &amp; (15)</td>
<td>No further vacancies to end of 2005</td>
<td></td>
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<tr>
<td><strong>Natural Resources</strong></td>
<td></td>
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<tr>
<td>Loughs Agency</td>
<td>No current vacancies</td>
<td></td>
<td>Six vacancies 12 December 2005. Expiry of term</td>
<td></td>
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</tbody>
</table>
### Questions—

30 June 2005.

### Written Answers

<table>
<thead>
<tr>
<th>Current vacancies and reason why occurring</th>
<th>Method of appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vaccancies occurring to end of 2005 and reason why occurring</td>
<td>Marine Institute</td>
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<tr>
<td>Marine Institute</td>
<td>18 current vacancies. Expiry of term</td>
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<tr>
<td>National Salmon Commission</td>
<td>20 current vacancies. Expiry of terms</td>
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<tr>
<td>Inland Fisheries</td>
<td>12 elected under Fisheries Act 1980, section 10(4)(o)(i). One staff nomination.</td>
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<tr>
<td>Eastern Regional Fisheries Board, RFB</td>
<td>One current vacancy in elected category. Resigned</td>
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<tr>
<td>Northern RFB</td>
<td>One current vacancy in elected category.</td>
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<tr>
<td>North Western RFB</td>
<td>No current vacancies</td>
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<tr>
<td>Shannon RFB</td>
<td>Two current ministerial vacancies. One current vacancy in elected category. Resigned</td>
</tr>
<tr>
<td>Southern RFB</td>
<td>Six current vacancies. Six resigned</td>
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<tr>
<td>South Western RFB</td>
<td>One current ministerial vacancy.</td>
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<tr>
<td>Western RFB</td>
<td>No current vacancies</td>
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<tr>
<td>Marine Ports</td>
<td>One current ministerial vacancy.</td>
</tr>
<tr>
<td>Dundalk Port Company</td>
<td>No current vacancies</td>
</tr>
<tr>
<td>Port of Cork Company</td>
<td>No current vacancies</td>
</tr>
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</table>

### Method of appointment

- **Ministerial nomination, Marine Institute Act 1991, Schedule para 4 & part 11**
- **Ministerial nomination, Fisheries Act 1980, section 10(4)(o)(i). One staff nomination.**
- **Ministerial nomination, Fisheries Act 1980, section 10(4)(o)(ii). Elected.**
- **Ministerial nomination, Fisheries Act 1980, section 10(4)(o)(ii). One staff nomination.**
- **Ministerial nomination with consent of Minister for Finance Harbours Act 1996, section 17(3)(b).**
Decentralisation Programme.

303. Mr. O'Dowd asked the Minister for Communications, Marine and Natural Resources the progress made to date in respect of the decentralisation of Departments and associated agencies to Drogheda, County Louth; and if he will make a statement on the matter. [24280/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Government’s decentralisation programme involves the relocation of the Maritime Safety Directorate and the Irish Coast Guard to Drogheda. The physical relocation of staff depends on the provision of accommodation in Drogheda and this is a matter for the Office of Public Works. The Government’s decentralisation implementation group has set a timetable of late 2006 for facilities in Drogheda and the Office of Public Works is working to deliver on this schedule with the Departments concerned, including my Department. My Department is progressing arrangements for staff transfers both internally and with other Departments in advance of physical relocation to Drogheda. There are 71 expressions of interest for the 47 posts in the Maritime Safety Directorate and Coast Guard in Drogheda.

Question No. 304 withdrawn.

Human Rights Issues.

305. Cecilia Keaveney asked the Minister for Foreign Affairs his views on the calls (details supplied) to have a change in legislation in Britain requiring the automatic dismissal of any member of the British armed forces found guilty in a court of law of a serious human rights violation, whether murder, rape or torture; and if he will make a statement on the matter. [23561/05]

Minister for Foreign Affairs (Mr. D. Ahern): This call by members of the McBride family for a change in British legislation to require the automatic dismissal of a member of the British armed forces found guilty in a court of law of a serious human rights violation is the latest effort in their campaign to ensure the dismissal of British army personnel James Fisher and Mark Wright. In 1995, Scots Guardsmen Fisher and Wright were convicted of the 1992 murder of Mr. Peter McBride, an unarmed Catholic teenager who was killed by two shots in the back. The two men were released after serving six years in prison and re-admitted to the British army despite their murder convictions. Since then, Mr. McBride’s family has been seeking their dismissal from the army but several appeals of army board decisions to retain them have been unsuccessful.

Legislation is in place that would allow for the dismissal of Mr. Fisher and Mr. Wright. The Court of Appeal in Belfast gave a majority ruling on 13 June 2003 that there were “no exceptional circumstances” justifying the retention of the men. Mrs. McBride took further judicial review proceedings in April 2004 focusing on the refusal of the British armed forces minister to review the retention of the two soldiers in light of the appeals court’s decision. Regrettably, Belfast High Court ruled yesterday that the decision to retain the soldiers remained effective even though the majority of judges found that there was no basis for it.

As the family members of Mr. McBride make clear, the retention of the men in the British army in this context raises questions about the expected standards of behaviour for members of the British army. I fully support their call for these standards to be examined. While the enactment of legislation is a matter for the British Government and Parliament at Westminster, it certainly would be one way of undertaking that exercise and making changes where these were deemed necessary. The Government’s objection to the continued retention of Mr. Fisher and Mr. Wright has been repeatedly raised with the British side, including through the British-Irish Inter-governmental Conference, BIIGC. We have also continued to raise the case through the offices of the Secretariat to the BIIGC.

Overseas Missions.

306. Caomhghín Ó Caoláin asked the Minister for Foreign Affairs if he will report on the support in materials, cash and personnel provided to UNMIK, IPTF and non-governmental organisations working in Kosovo for 2004 and 2005. [23568/05]

307. Caomhghín Ó Caoláin asked the Minister for Foreign Affairs if he will report on the support in materials, cash and personnel provided to the Government of Bosnia-Herzegovina and non-governmental organisations working in Bosnia for 2004 and 2005. [23569/05]

308. Caomhghín Ó Caoláin asked the Minister for Foreign Affairs if he will report on the support in materials, cash and personnel provided to the Government of Macedonia and non-governmental organisations working in Macedonia. [23570/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 306 to 308, inclusive, together.

Since the early 1990s, Ireland has provided in excess of €30 million in assistance to the western Balkans, including Bosnia-Herzegovina, Kosovo and the Former Yugoslav Republic of Macedonia. In recent years, the focus has shifted from the provision of emergency humanitarian assistance to projects and programmes that encourage the development of functioning public
administrations, economic development, including poverty reduction, and the emergence of a civil society. The objective is to work with the countries of the region to consolidate peace and stability and to ensure full respect for human rights and European democratic standards. Ireland also contributes significantly to projects that are implemented on a regional basis, including through the stability pact for south-eastern Europe.

Details of support from my Department for Kosovo, Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia for 2004 and committed for 2005 are provided. We have also provided development personnel funding for the region amounting to approximately €130,000. Four members of the Defence Forces are serving as military observers with UNMIK in Kosovo. For the period January 2004 to June 2005, Ireland’s contribution to UNMIK amounted to approximately €1.2 million. The United Nations International Police Task Force, IPTF, concluded its mission in Bosnia-Herzegovina at the end of 2002.
<table>
<thead>
<tr>
<th>Country</th>
<th>Organisation</th>
<th>Project</th>
<th>2004</th>
<th>2005</th>
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<tbody>
<tr>
<td>Bosnia &amp; Herzegovina</td>
<td>International Trust Fund for de-mining and mine victims assistance</td>
<td>Mine clearance, de-mining and mine victims assistance</td>
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<td>Bosnia and Herzegovina</td>
<td>Office of the High Representative, OHR, for Bosnia and Herzegovina</td>
<td>Secondment of Irish expert to Criminal Institutions Prosecutorial Reform Unit and to War Crimes Chamber</td>
<td>€102,992 to year end 30.09.2004, €28,725 from October to December 2004</td>
<td>€143,800</td>
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<td>Active citizens and good governance</td>
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<td>Bosnia and Herzegovina</td>
<td>CARE</td>
<td>Strengthening SMEs for employment generation</td>
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<td>Bosnia and Herzegovina</td>
<td>CARE</td>
<td>Strengthening democracy and increasing citizen participation</td>
<td>€150,000</td>
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<td>Bosnia and Herzegovina</td>
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<td>Bosnia and Herzegovina</td>
<td>Economic Cooperation Network</td>
<td>Collection of organic wild forest products</td>
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<td>Bosnia and Herzegovina</td>
<td>International Organisation for Migration, IOM</td>
<td>HIV-AIDS national capacity building</td>
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<td>Bosnia and Herzegovina, Croatia and Serbia and Montenegro</td>
<td>International Rescue Committee, IRC</td>
<td>Building just structures: An ongoing community capacity-building development programme: Training in advocacy, budgeting and leadership skills.</td>
<td>€139,226</td>
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<td>Bosnia and Herzegovina and Kosovo</td>
<td>TOGETHER Foundation</td>
<td>Psycho-social training for teachers</td>
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<td>Bosnia and Herzegovina and Serbia and Montenegro</td>
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<td>UNDP</td>
<td>Helping returning families</td>
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<td>Kosovo</td>
<td>Handikos</td>
<td>Training and awareness raising for people with disabilities</td>
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<td>Kosovo</td>
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<td>Immunisation programme</td>
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<td>Kosovo</td>
<td>Irish Defence Forces</td>
<td>Small scale projects by the Irish Army in Kosovo</td>
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<td>Training for civil society development</td>
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<td>Education centre</td>
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<td>Former Yugoslav Republic of Macedonia</td>
<td>European Centre for Minority Issues</td>
<td>Implementation of the Ohrid Agreement</td>
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<td>Former Yugoslav Republic of Macedonia</td>
<td>Ireland and European Commission</td>
<td>Conference on “Small States Catching Up”</td>
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<td>Kosovo</td>
<td>Council of Europe</td>
<td>Assembly Elections October 2004</td>
<td>Four short-term observers</td>
<td>Three short-term observers</td>
</tr>
</tbody>
</table>
Human Rights Issues.

309. Mr. Cuffe asked the Minister for Foreign Affairs if his attention has been drawn to the recent shocking and tragic death of a person (details supplied); if the Irish Government can ask the Chinese Government to investigate this person’s death; and if he will make a statement on the matter. [23692/05]

Minister for Foreign Affairs (Mr. D. Ahern): I have learned with regret of the death of Ms Gao Rong Rong, a Falun Dafa practitioner, who, according to reports, died on 16 June 2005. I have asked my officials to request the EU Presidency to raise the case of Ms Gao Rong Rong and the circumstances of her death with the Chinese authorities at the next session of the EU-China human rights dialogue which is due to take place in September. The EU-China human rights dialogue, established in 1996, is the formal framework through which the EU raises its concerns about individual human rights cases, including those of Falun Dafa practitioners and more general issues, such as the protection of freedom of religion and expression, which have a particular impact on practitioners of Falun Dafa.

Military Neutrality.

310. Ms Enright asked the Minister for Foreign Affairs if there has been a change in policy on foreign military landings in Irish airports and overflights in Irish air space in the past three years; and if he will make a statement on the matter. [23724/05]

Minister for Foreign Affairs (Mr. D. Ahern): There has been no change in the criteria applied to the landing and overflights of foreign military aircraft. Policy in this area is based on the Air Navigation (Foreign Military Aircraft) Order 1952 which gives the Minister for Foreign Affairs discretion in the granting of permission to foreign military aircraft to overfly or land in the State. Permission is normally granted on certain conditions, such as that the aircraft is unarmed, is not carrying arms, ammunition or explosives, is not engaged in intelligence gathering and is not taking part in military exercises or operations. These conditions are not legal requirements but are policy stipulations that are applied at the discretion of the Minister for Foreign Affairs and that he can waive or vary at any time.

In this latter regard, the Government made a specific offer to waive these normal criteria in the case of aircraft acting in pursuit of UN Security Council Resolution 1368 adopted after the terrorist attacks of 11 September 2001. However, no country sought to avail of this exemption. As regards overflights and landings of US military aircraft relating to the situation in Iraq, Dáil Éireann voted on 20 March 2003, following an extensive discussion of the issues surrounding the US invasion of Iraq, to support the Government’s decision to allow US military aircraft to continue to overfly and land in Ireland. Furthermore, the United Nations Security Council has, since October 2003, adopted a number of resolutions asking members of the United Nations to give assistance to the multinational force in Iraq. The regulation of matters relating to commercial aircraft is primarily a matter for the Department of Transport.

Human Rights Issues.

311. Mr. Durkan asked the Minister for Foreign Affairs the steps he has taken at EU or UN level with regard to the continued human rights abuses and killings in Zimbabwe; if any attempts are being made to enlist the aid of neighbouring African countries in this regard; and if he will make a statement on the matter. [23891/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Government remains gravely concerned at the deteriorating situation of human rights in Zimbabwe and the continuing failure of the Mugabe government to end repressive policies that have only succeeded in impoverishing and worsening the plight of millions of ordinary Zimbabweans. Ireland and its EU partners have taken the lead internationally, including through action at the UN General Assembly, in highlighting the serious human rights situation in Zimbabwe and in mobilising international pressure on the Zimbabwean Government to introduce long overdue democratic reforms.

My officials and I have also been active in drawing attention to the serious plight of the former Movement for Democratic Change, MDC, MP in Zimbabwe, Mr. Roy Bennett, sentenced to a 12-month prison term last October for pushing the Zimbabwean Minister for Justice during a parliamentary debate last year and whose situation was the subject of a Dáil motion adopted last March. I very much welcome that Mr. Bennett was granted early release and freed on 28 June.

The EU has also condemned the recent actions of the Zimbabwean Government under the guise of Operation Restore Order which has resulted in many thousands of illegal street traders being arrested and an estimated 275,000 people left homeless as a result of a Government campaign to clear away the businesses of informal street traders and unregistered homes built by the urban poor. The European Union issued a declaration on 7 June condemning the actions undertaken by the Zimbabwean Government within the framework of Operation Restore Order and calling for its immediate end. A joint statement was also issued following the EU-US summit in Washington DC on 20 June expressing grave concern at the current situation and calling on the Zimbabwean Government to reverse its anti-democratic policies. The Irish ambassador to South Africa, who is also accredited to Zimbabwe, visited Zimbabwe in early June to assess the humanitarian effects of Operation
The Government continues to support the activities of Irish missionaries and NGOs, both national and international, who are responding to the worsening humanitarian situation provoked by Operation Restore Order. The Government has now decided to make a n additional €1 million available to the UN World Food Programme to support emergency feeding programmes in Zimbabwe for those worst affected by the current humanitarian crisis, with part of this assistance also being used for similar emergency feeding programmes in Malawi.

I also very much welcome the decision by UN Secretary General, Kofi Annan, to appoint Ms Anna Kajumulo Tibaijuka, the executive director of UN Habitat, as his special envoy to assess the humanitarian consequences of the forceful eviction policies being pursued by the Zimbabwean Government. Ms Tibaijuka arrived in Zimbabwe on 26 June and will submit a full report on the situation to the Secretary General following her visit. This report will be of considerable assistance to the international community in gauging the appropriate international response to assist those who have been left homeless and without a livelihood as a result of this deliberate action on the part of the Zimbabwean Government.

It is clear that Zimbabwe’s neighbours in the southern Africa development community, SADC, also have a potentially useful role to play in exerting influence on the Mugabe Government to stop Operation Restore Order, address its humanitarian consequences and also begin the process of implementing genuine reforms aimed at improving the situation of respect for democracy, human rights and the rule of law in Zimbabwe. The EU regularly encourages the members of SADC and of the African Union to use their influence with Zimbabwe in this regard during the course of ongoing political dialogue with those organisations.

The EU’s concerns with Operation Restore Order were raised at a senior officials meeting with SADC in Johannesburg on 20 June while EU ambassadors are also being directed to make similar representations in SADC capitals. It would be appropriate for and I would encourage African Union leaders to address the human rights and humanitarian crisis resulting from Operation Restore Order at their forthcoming summit meeting in Sirte, Libya on 4 and 5 July.

Diplomatic Representations.

312. Mr. F. McGrath asked the Minister for Foreign Affairs the date by which he expects the Government to be in a position to deliver on its commitment to provide 0.7% of gross national product for overseas development aid; and if he will make a statement on the matter. [23892/05]

Minister for Foreign Affairs (Mr. D. Ahern): My Department monitors the situation in Colombia, including the question of hostages and kidnap victims, through our embassy in Mexico City, which is also accredited to Colombia, as well as in co-operation with our EU partners with resident diplomatic missions in that country. As the House is aware from my replies to previous questions on this subject, Ms Ingrid Betancourt, a candidate in the 2002 Colombian presidential election, was kidnapped by the Revolutionary Armed Forces of Colombia, FARC, on 23 February 2002.

During the Irish Presidency of the European Union last year, the General Affairs and External Relations Council, GAERC, underlined the European Union’s view of the importance of a rapid release of all remaining hostages and kidnapped persons. Ireland participated at the international meeting in support of the peace process in Colombia that took place in Cartagena in February 2005. The Cartagena Declaration issued at its conclusion called for the immediate freeing of all those kidnapped. At the 61st session of the Commission on Human Rights, the chairperson’s statement on Colombia of 21 April 2005, to which Ireland actively contributed, also urged the immediate and unconditional release of all the kidnapped persons in Colombia.

The Minister of State at the Department of Foreign Affairs, Deputy Treacy, met Mr. Juan Carlos Lecompte, the husband of Ms Ingrid Betancourt, on 28 June 2005 during his visit to Ireland. Deputy Treacy assured Mr. Lecompte that the Government shares his concern about the plight of his wife and the many others who are held hostage in Colombia. He said that Ireland, together with our EU partners, strongly condemns the practice of hostage-taking and kidnap- ping and we call upon all illegal armed groups in Colombia to release hostages immediately and unconditionally.

The Minister of State added that we continue to support the Government of Colombia in its search for a negotiated solution to the internal armed conflict, including through direct engagement with those illegal armed groups who may be prepared to negotiate a peace agreement. We will continue to work with our EU partners to encourage a resolution to the plight of Ms Betancourt and the other kidnap victims in Colombia.

Overseas Development Aid.

313. Mr. M. Higgins asked the Minister for Foreign Affairs the date by which he expects the Government to be in a position to deliver on its commitment to provide 0.7% of gross national product for overseas development aid; and if he will make a statement on the matter. [23893/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The allocation to Vote 29 on international co-operation for 2005 is €470.8 million, an increase of €70 million on the 2004 figure. As a result, total official development aid, ODA, for 2005 is expected to amount to approximately €545 million when contributions from other Departments have been taken into account. This represents the highest allocation in the 30-year history of the Irish aid programme. In
addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007. These very substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. This three-year multiannual commitment incorporating very substantial annual increases gives my Department a sound basis to carry forward the long-term planning that is so important for development work.

The Deputy will be interested to know that the EU has recently agreed new targets for ODA. These provide that the EU 15 will reach a new collective target of 0.56% by 2010, while member states that have not yet reached a level of 0.51% undertake to individually reach that by 2010. Member states also undertake to achieve the UN target of 0.7% by 2015. The newer member states, which joined after 2002, have lower targets. This decision will bring an estimated €20 billion extra funding by 2010 into play for developing countries and represents a strong signal to other non-European donors. The Government remains strongly committed to the UN target and will take a decision on a date for achieving this in advance of the UN millennium summit in September 2005.

Northern Ireland Issues.

314. Aengus Ó Snodaigh asked the Minister for Foreign Affairs his views on whether the appointment of a former UDR commander to head up training in the PSNI sends an appropriate signal to Nationalists; and if he will make a statement on the matter. [23894/05]

Minister for Foreign Affairs (Mr. D. Ahern): Mr David Strudley was appointed on 23 June 2005 to head up the new PSNI policing college in Cookstown, County Tyrone, following a UK-wide advertisement campaign, interview and selection process. Mr Strudley will take up his new post this September. The Patten commission recommended that recruit training for the police service should move away from a military focus, have a high degree of civilian input, dramatically reduce the amount of hours spent on drill and move away from command and control approaches to problem-solving community oriented approaches. The Government fully supports that objective as a key part of the move toward community policing, which is at the very heart of the Patten report.

The issue of police training was recognised by the Patten report and the independent commission as critical to the overall success of the policing reforms. The oversight commissioner in his most recent 13th report acknowledges that significant progress has been made on the training recommendations made by the commission but emphasised that more needs to be done in this area. This crucial area will be the subject of continuing oversight by the oversight commissioner. I am aware that he is to carry out a major thematic report into the area of training later this year, which will assess progress in this area. I am confident that under his supervision and that of the policing board the Patten commission’s vision will be realised.

315. Aengus Ó Snodaigh asked the Minister for Foreign Affairs if his attention has been drawn to the loyalist attack on the home of a person (details supplied); if his attention has further been drawn to the fact that the victim had to be taken to hospital as a consequence; if he has contacted this victim to express his sympathy; and the other actions he may take with respect to this incident. [23895/05]

321. Aengus Ó Snodaigh asked the Minister for Foreign Affairs if his attention has been drawn to the recent arson attack by loyalists from White City on Nationalist homes in the Throne area of north Belfast, which is a mixed area with a number of mixed marriages; if his attention has further been drawn to the fact that eight children were asleep in one house at the time of the attack and that this was the fifth sectarian attack by loyalists in Belfast in 48 hours; the actions he is taking in response; and if he has made or will make any representations to Unionist politicians to urge them to exercise leadership in their communities to stop these attacks. [23902/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 315 and 321 together.

The incidents in north Belfast referred to by the Deputy are a matter of great concern to the Government. These incidents, as with all such sectarian attacks, are reprehensible and without justification. I am aware that the summer is a particularly difficult time of year for many Nationalist residents of Belfast and the north east generally. Officials of my Department closely monitor the situation in north Belfast through their contacts locally with local business, community leaders and members of the clergy across the community divide.

I assure the Deputy that incidents to which he refers were immediately raised with the British Government through the British-Irish Intergovernmental Secretariat in Belfast. Additionally, this recent spate of attacks on Nationalist homes in north Belfast was specifically discussed at the most recent meeting of the British-Irish Intergovernmental Conference in London on 27 June 2005 at which both the British Prime Minister and the Taoiseach were in attendance. I will continue to seek reassurances from the British Government that appropriate security measures are in place to ensure the safety of all the residents of north Belfast.

Interface tension has been eased somewhat in recent years through the establishment of a number of cross-community partnerships designed to provide an early warning system to diffuse potential flashpoint situations. These schemes have contributed significantly toward the improved atmosphere witnessed in recent years.
The Government is very supportive of these co-operative schemes that foster trust and respect within communities and will continue to promote their use in improving community relations. Furthermore, I have reiterated in my most recent meetings with political parties in the North the desirability for those with influence to do whatever they can to ease tensions and assist the efforts being made to ensure that the marching season passes off peacefully.

316. Aengus Ó Snodaigh asked the Minister for Foreign Affairs if he has asked or will ask the PSNI chief constable to state publicly whether the officers involved in the original investigation into the killing of Mr. Seán Browne are still members of the PSNI, and to explain the way in which files in this case went missing from the PSNI barracks at which only his officers had access to them. [23896/05]

Minister for Foreign Affairs (Mr. D. Ahern):
The Police Ombudsman has published information on the status of the PSNI officers who were involved in the original Seán Browne investigation in her report on the original investigation published on 19 January 2004. The report states that the senior investigating officer responsible for that investigation has now retired. The ombudsman also states that under the law, a retired officer cannot be made amenable for any misconduct occurring before his retirement.

The ombudsman also investigated the role of the deputy senior investigating officer on the case. The ombudsman states in her report that due to the absence of the relevant file, it was impossible for her to audit the decision-making process and the degree of autonomy that the officer in question had. The officer was still serving in the PSNI at the time of the ombudsman’s findings and I have made inquiries as to whether this is still the case. An extensive search was carried out by the Police Ombudsman for the missing file.

As recommended by the ombudsman, a complete reinvestigation into the murder of Mr. Seán Browne is under way and the PSNI officers involved in this new investigation have no link with the original police investigation. Additionally, officials from my Department sit on the advisory group to this investigation along with members of the Browne family, their legal adviser, a representative of the Pat Finucane Centre and an external consultant.

317. Aengus Ó Snodaigh asked the Minister for Foreign Affairs if his attention has been drawn to the fact that more than 80 loyalist flags and bunting were erected in the mixed Edenmore Road area of Limavady in May 2005 and that this infringes on the right of Nationalists in this area to live free of fear and sectarian intimidation; and the representations he has made to unionist politicians with respect to this unwelcome development. [23897/05]

Minister for Foreign Affairs (Mr. D. Ahern):
The display of flags and emblems in Northern Ireland is an emotive and often controversial practice that has been the subject of much discussion both internally within the relevant agencies in the North and also between my officials and their British counterparts. The specific situation in Limavady was highlighted in media reports earlier in the week and, as a result, I have asked the British authorities to update me with regard to the ongoing efforts to resolve the situation to the satisfaction of all those in the Edenmore area. I hope to receive a reply on the matter in the coming days.

More generally, I note the recent signing of a protocol that will lead to renewed efforts to prevent illegal banners appearing in public places. The PSNI, the Offices of the First and Deputy First Minister, the Department for Regional Development, the Department of the Environment, the Department for Social Development and the Housing Executive in Northern Ireland have agreed to tackle this scourge cumulatively, particularly focusing their efforts on those flags and banners that show support for proscribed organisations. Community engagement on this issue has led to the removal of a number of these illegal banners in recent years, mainly in the wider Belfast area, and it is hoped that continued involvement in this process at a local level will generate similar results throughout Northern Ireland.

The Government views the use of flags to mark out territory, promote sectarianism or intimidate people as completely unacceptable. I can assure the Deputy that the progress of this recently established multi-agency partnership will be closely monitored as it attempts to remove flags and emblems from arterial routes and town centres and the removal of all paramilitary flags and displays throughout the North.

Foreign Conflicts.

318. Aengus Ó Snodaigh asked the Minister for Foreign Affairs the actions he has taken or will take in response to the request of the UN Secretary General for more financial support to the African Union peacekeeping mission in Darfur. [23899/05]

Minister for Foreign Affairs (Mr. D. Ahern):
The Government remains fully supportive of the African Union’s crucial role in attempts to resolve the ongoing political, security and humanitarian crisis in Darfur. The AU’s observer mission, AMIS, in particular, is playing an extremely valuable role in addressing the security situation in Darfur. It has been demonstrated that where AMIS is deployed in Darfur, a marked reduction in violence follows. There is a clear need, though, to increase further the size of the AMIS mission if the situation locally is to be fully stabilised and suitable conditions created for the safe return of internally displaced persons, IDPs, and refugees.
I welcome the recent decision by the AU Peace and Security Council to expand its mission from 3,200 to more than 7,700 personnel. The strong support evident at the donors conference held in Addis Ababa last month at which $300 million was pledged to assist with the planned expansion of AMIS demonstrates the international community’s confidence in the African Union’s efforts to try and resolve the Darfur conflict.

The External Relations Council agreed on 23 May that the EU should lend all possible support to AMIS’s military, police and civilian efforts and a specific package of assistance focusing on logistical and planning support was outlined by the High Representative, Mr. Javier Solana, at the donors conference in Addis Ababa. Ireland was also represented at the Addis Ababa meeting and pledged to provide additional financial support for the expansion of AMIS as part of the overall EU package of support. I subsequently informed the UN Secretary General, Kofi Annan, when I met him in New York on 2 June that Ireland would contribute an additional €1 million to support the expanded AMIS operation. It is intended that this further contribution will be earmarked for the humanitarian and human rights components of the AMIS mission. This is in addition to the €500,000 for the humanitarian and human rights elements of AMIS that Ireland provided last year.

The Government has also agreed to make available an officer from the Permanent Defence Force to serve as a logistics planner in supporting the expansion of AMIS. An Army officer has also served as an EU observer with the AMIS mission, though his 12-month assignment will finish at the end of this month. Ireland’s support to AMIS is in addition to €15 million that has been pledged to Sudan over the next two years. This funding will be used to meet immediate needs such as food security, return of the displaced and basic education and will also to begin to address the long-term development needs of the Sudan.

Military Neutrality.

319. *Aengus Ó Snodaigh* asked the Minister for Foreign Affairs if the 25 troops and crew on board the US C130 Hercules *en route* from a US Air Force base in Germany to Newfoundland, Canada, that made an emergency landing at Shannon earlier in June 2005 were armed or were carrying personal weapons. [23900/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** No. 319. *Aengus Ó Snodaigh* asked the Minister for Foreign Affairs if the 25 troops and crew on board the US C130 Hercules *en route* from a US Air Force base in Germany to Newfoundland, Canada, that made an emergency landing at Shannon earlier in June 2005 were armed or were carrying personal weapons.

Diplomatic Representation.

320. *Aengus Ó Snodaigh* asked the Minister for Foreign Affairs if his attention has been drawn to the findings of the recent publication, *State Growth and Social Exclusion in Tibet: the Challenges of Recent Economic Growth*, that Tibetans suffer the highest poverty rates in China and that most investment in the Tibet Autonomous Region reflects strategic military value for the Chinese rather than human need; and the representations he has made to the Chinese in view of these findings. [23901/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the book *State Growth and Social Exclusion in Tibet: the Challenges of Recent Economic Growth* by Mr. Andrew Fischer and the claims he makes based on his research. I raised the issue of Tibet and recent developments there during the official talks with Vice Premier, Huang Ju, in Dublin on 16 November 2004. In response, the Vice Premier said that the channels of communications between the Chinese government and the Dalai Lama were open and China would continue to work to ensure peace and development in Tibet.

An EU troika of human rights experts visited Tibet between 20 and 23 September 2004. Ireland will encourage similar contacts during the forthcoming British Presidency. The Government has consistently called on the Chinese authorities to respect fully the rights of the Tibetan people, including their socio-economic and human rights. We will continue to address our ongoing concerns regarding Tibet, both bilaterally and within the framework of the EU-China dialogue.

**Question No. 321 answered with Question No. 315.**

**Northern Ireland Issues.**

322. *Aengus Ó Snodaigh* asked the Minister for Foreign Affairs the action he is taking to help de-escalate tensions during the 2005 Orange Order marching season; if he has asked the Orange Order and other senior Unionist politicians to desist from sabre-rattling in a bid to overturn Parades Commission decisions; if he has asked the Orange Order to engage in direct dialogue with Nationalist residents; the action he is taking to support Nationalist areas that are threatened with contentious parades; and the action he is taking to support the work of the Parades Commission. [23903/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government has consistently sought to promote local accommodation in instances where parades are contentious. It has done so by promoting direct dialogue between all parties to such disputes and by consistently supporting the work of the Parades Commission. The Government has also paid close attention to the policing of parades, to monitor the way the commission’s determinations are policed and to ensure that the intent of the commission is fully upheld. Concerns regarding these issues are raised through the British-Irish Intergovernmental Conference.
[Mr. D. Ahern.]

My officials are in regular contact with residents groups throughout Northern Ireland, including in Ardoyne, west Belfast, Portadown, Derry, Dunloy and east Belfast, and also with community leaders who have influence. During our contacts with members of the loyal orders we have stressed the desirability of contentious parades being resolved through dialogue and mutual agreement. In this regard, I welcome the agreement reached by the community forum in Derry that will result in the 12 of July parade in the city going ahead with the support of all concerned. The Chamber of Commerce in Derry deserves particular praise for bringing the relevant stakeholders together and for providing a forum through which outstanding concerns from all perspectives could be answered in a positive and tolerant setting. I hope that the continuing example of mutual respect and tolerance for diversity shown by those in Derry can highlight to others in Northern Ireland that the parades issue is resolvable and need not be an annual source of conflict between the two communities.

**Departmental Expenditure.**

323. **Mr. Kenny** asked the Minister for Foreign Affairs the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23976/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Department of Foreign Affairs has responsibility for two Votes, Vote 28 on foreign affairs and Vote 29 on international co-operation. The 2004 allocation for Vote 28 was €163,240,000. The Department did not return any of this allocation to the Department of Finance at year’s end. Under the terms of the Administrative Budget Agreement 2002-2004, the Department of Finance approved a carry forward of savings of €6,519,000 from the 2004 administrative budget subheads to the Department’s 2005 budgetary allocation for Vote 28. The 2004 budgetary allocation for Vote 29 was €400,030,000. Outturn for the period amounted to €397,541,000 resulting in an underspend of €2,489,000. Under the terms of the Administrative Budget Agreement 2002-2004, an amount of €789,000 was carried forward to 2005. The net amount surrendered to the Exchequer was €1,700,000 broken down as follows.

<table>
<thead>
<tr>
<th>Subhead Title-Description</th>
<th>Amount € million</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1-A7 — Administrative subheads</td>
<td>1.392</td>
</tr>
<tr>
<td>C — Emergency Humanitarian Assistance</td>
<td>0.470</td>
</tr>
<tr>
<td>D — Payment to International Funds for the benefit of Developing Countries</td>
<td>0.005</td>
</tr>
<tr>
<td>F — Appropriations-in-Aid</td>
<td>0.256</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>1.700</strong></td>
</tr>
</tbody>
</table>

324. **Mr. O’Shea** asked the Minister for Foreign Affairs the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24010/05]

Minister for Foreign Affairs (Mr. D. Ahern): It was already my Department’s policy, prior to the coming into effect of the Official Languages Act 2003, to publish most classes of documentation intended for public dissemination in both Irish and English. A training programme was also in place to assist staff in developing their Irish language skills. This was and is part of a wider policy aimed at developing the Department’s capability to accommodate those customers who would prefer to conduct their business with the Department through Irish. As a consequence, there has been no expenditure to date in 2005 that can be attributed solely to implementing the provisions of the Act. The only expenditure likely to arise in this regard during 2005 is relates to the publication by the Department of a notice under section 13 of the Act. This requirement will arise when the Department is formally requested by the Minister for Community, Rural and Gaeltacht Affairs to prepare a draft scheme specifying the services that the Department will provide through Irish or English only and those that will be provided through both languages. The notice will invite submissions from the public and a draft scheme will then be prepared and submitted for approval to the Minister for Community, Rural and Gaeltacht Affairs. The cost of publishing the notice is estimated at €12,000 to €15,000. It is unlikely that the scheme itself will fall to be published this year as the Minister for Community, Rural and Gaeltacht Affairs has not yet formally requested the Department to prepare it and as the Act provides a period of up to six months for its preparation.

**Departmental Appointments.**

325. **Mr. Quinn** asked the Minister for Foreign Affairs if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and...
which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24180/05]

326. Mr. Quinn asked the Minister for Foreign Affairs if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24194/05]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 325 and 326 together.

Four bodies operate under the aegis of the Department of Foreign Affairs, namely, the Advisory Board for Development Co-operation Ireland, the Development Education Advisory Committee, the Board of the Ireland-United States Commission for Educational Exchange, or the Fulbright Commission, and the Dión Committee. The three year term of the Advisory Board for Development Co-operation Ireland is due to end this year and a new board will be appointed in the autumn. The appointees will be selected on the basis of their individual expertise and their ability to contribute to the work of the board. New members are in the process of being appointed to the Development Education Advisory Committee. There are no current or expected vacancies on the board of the Fulbright commission or on the Dión Committee.

National Aquatic Centre.

327. Ms Burton asked the Minister for Arts, Sport and Tourism the arrangements his Department and the OPW have made for the proper management and supervision of the National Aquatic Centre in Abbotstown; the role being played by the OPW; and the role being played by Campus and Stadium Ireland Development Limited. [23740/05]

346. Ms Burton asked the Minister for Arts, Sport and Tourism the role his Department is playing in the management and supervision of the National Aquatic Centre in Abbotstown in respect of the shareholding held by the Taoiseach and the Minister of Finance in the project; if his Department made any enquiries into the recent closure of the complex for five months as a result of storm damage in the new year and the further recent reports of significant problems with the pool’s plant and equipment, leading to extensive water leaks. [24146/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I propose to take Questions Nos. 327 and 346 together.

The management of the National Aquatic Centre, NAC, is undertaken by Campus and Stadium Ireland Development Limited, CSID, a company specifically established under the legislation to manage the Abbotstown project. Its shareholders are the Taoiseach, the Minister for Finance and myself as Minister for Arts, Sport and Tourism. The chairman of the board of CSID is a member of the staff at the Department of Arts Sport and Tourism. The Office of Public Works acts as a technical adviser to the Department in matters relating to Abbotstown.

The Department works closely with the CSID on all matters relating to Abbotstown, including the operation of the National Aquatic Centre. My Department and I have been kept fully informed of developments at the NAC, including the matter of the repair work that was necessary as a result of the storm damage to the roof in January. At the request of the Department, the Office of Public Works commissioned Kavanagh, Mansfield and Partners to examine the damage to the roof and provide a report on the matter. The findings of the report guided the response of the CSID and were taken into account in agreeing the repair programme that was carried out in the shortest possible timeframe. There are legal, contractual and financial issues that are still ongoing and are being considered in the light of this report and it would not be appropriate to publish it or comment on its findings at present. It was unfortunately necessary to close the centre during the period while work was taking place as the primary concern was the safety of members of the public and the staff employed at the National Aquatic Centre.

As I have stated already, I am not prepared to comment on unsubstantiated media reports about the National Aquatic Centre except to state that the centre has been reinstated and is now fully operational. The centre was developed to provide a 50 metre pool for Ireland’s needs and specifically to provide a suitable location for hosting the aquatic events of the Special Olympics World Summer Games. Since the centre was opened to the public in March 2003, it has successfully hosted the Special Olympics World Summer Games and later in that same year the European Short Course Championships, both to significant acclaim. Indeed, the National Aquatic Centre has justly drawn much well deserved admiration from those who have visited it and used its facilities. In its first year of operations, it had close to 1 million visitors, which placed the facility among the top attractions in Ireland.

Sports Capital Programme.

328. Mr. Kehoe asked the Minister for Arts, Sport and Tourism when applications will be accepted for the new round of national lottery funding; the types of applications that will be accepted; and if he will make a statement on the matter. [23635/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The prog-
Grant Payments.

329. Mr. English asked the Minister for Arts, Sport and Tourism when a development grant 2003 (details supplied) will be paid out in full; the reason for the delay in paying out the grant; and if he will make a statement on the matter. [23636/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A grant of €200,000 was provisionally allocated to the project in question under the 2003 national lottery-funded sports capital programme administered by my Department. The grant allocation was subject to the terms and conditions of the programme, including the execution of a Deed of Covenant and Charge, which provides, inter alia, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated. My Department’s legal adviser, the Chief State Solicitor’s office, CSSO, deals with the grantee’s solicitor in executing this deed.

I understand that the CSSO is still awaiting some of the required documentation from the organisation’s solicitor and sent a further reminder to the solicitor last week regarding the documentation still awaited. No payment of the grant can be made until the deed of covenant and charge is executed. In the event that the relevant documentation is not provided expeditiously, the question of the withdrawal of the grant will fall to be considered.

Swimming Pool Projects.

330. Mr. Stagg asked the Minister for Arts, Sport and Tourism further to Parliamentary Question No. 99 of 16 June 2005, when Kildare County Council will be given permission to draw up contract details; and if he will make a statement on the matter. [23637/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): As I indicated in my reply to Question No. 99 of 16 June 2005, I approved the detailed contract documents, submitted by Kildare County Council, for the Naas swimming pool project in March 2005. It is now a matter for the council to further this project by inviting tenders.

331. Ms Enright asked the Minister for Arts, Sport and Tourism the position in respect of the funding application of a pool (details supplied); when a decision will be reached on this application; and if he will make a statement on the matter. [23639/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Under the terms of the local authority swimming pool programme, Offaly County Council applied grant aid to refurbish the swimming pools in Clara and Birr, to provide a new pool in Tullamore and to replace the pool in Edenderry. As I indicated in a reply to Parliamentary Question No. 192 by the Deputy on 12 October 2004, the council was asked to identify its priorities concerning the development of swimming pools in the county, as projects of this nature require considerable capital commitment by local authorities. In this regard, the council recently indicated to my Department that it had decided to prioritise its applications for the refurbishment of the pool in Birr in 2005 and for the provision of a pool in Tullamore in 2006. Accordingly, I am pleased to advise the Deputy that I recently approved the preliminary report for the refurbishment of the pool in Birr. This approval allows the council to have the detailed contract documents prepared for the project.
Sports Capital Programme.

332. Mr. O’Dowd asked the Minister for Arts, Sport and Tourism the position regarding an application (details supplied) in County Louth; and if he will make a statement on the matter. [23642/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December 2004. 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 currently being evaluated against the programme’s assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

National Concert Hall.

333. Mr. Deenihan asked the Minister for Arts, Sport and Tourism if he intends to bring the proposals for the purchase of the Medicine and Engineering faculties at Earlsfort Terrace from UCD by the OPW to Cabinet before the end of July, to facilitate a major expansion of the facilities at the National Concert Hall; and if he will make a statement on the matter. [23643/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I refer the Deputy to my oral reply to Parliamentary Questions Nos. 15 and 22 on 16 June 2005, which outlined details of the extensive consultations and investigations carried out by officials from my Department and the Office of Public Works with a view to identifying a suitable location for a state-of-the-art National Concert Hall in Dublin. The situation remains as outlined in that response.

Arts Plan.

334. Mr. Deenihan asked the Minister for Arts, Sport and Tourism the steps he intends to take to mark the centenary of the birth of Samuel Beckett; the agencies that will have responsibility for the planning and organisation of the events; and if he will make a statement on the matter. [23644/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I am actively considering the establishment of a high level group to assess the potential involvement of the Government in marketing the Beckett centenary in 2006 in Ireland. Of particular interest to me is the opportunity of any synergies that would exploit educational and/or cultural opportunities. Synergies of this nature were pursued very successfully during the “Bloomsday” centenary celebrations in 2004.

National Aquatic Centre.

335. Ms Burton asked the Minister for Arts, Sport and Tourism if his attention has been drawn to reports of extensive leaks from the National Aquatic Centre and of problems with the plant operating the swimming pools; if he has carried out an assessment of these problems; the scale of and likely cost to rectify any such problems; if these issues were included in the engineering examination and report commissioned by the OPW from a firm of consulting engineers; if he will publish the outcome of this engineering examination; and if he will make a statement on the future of the National Aquatic Centre. [23737/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): As I have stated in the House previously, the Office of Public Works, at the request of my Department and in consultation with Campus and Stadium Ireland Development Limited, commissioned Kavanagh, Mansfield & Partners to examine the damage at the National Aquatic Centre and to provide a report. The findings of that report have been taken into consideration in the repair works that have been carried out. There are ongoing legal, contractual and financial issues that are being considered in the light of the report and it would not be appropriate to publish it or comment on its findings at this time.

I am not prepared to comment on unsubstantiated media reports about the National Aquatic Centre, except to state that the centre has been reinstated and is fully operational. As the Deputy is aware, CSID has initiated legal proceedings against Dublin Waterworld Limited and, as these matters are currently before the commercial court, it would be inappropriate for me to comment on them.

The National Aquatic Centre was developed to provide a 50 metre pool for Ireland’s needs and specifically to provide a suitable location for hosting the aquatic events of the Special Olympics World Summer Games. Since the centre was opened to the public in March 2003, it has successfully hosted the Special Olympics World Summer Games and, later in that same year, the European Short Course Championships, both to significant acclaim. Indeed, the National Aquatic Centre has justly drawn much well deserved admiration from those who have visited it and used its facilities. In its first year of operations, it had close to one million visitors, which placed the facility among the top attractions in Ireland.

336. Ms Burton asked the Minister for Arts, Sport and Tourism the breakdown of the costs associated with the development of the National Aquatic Centre, including project management costs, design costs, construction costs, equipment and plant and sitting out and commissioning costs; the breakdown of the cost headings for...
Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The contract for the development of the National Aquatic Centre was awarded by Campus and Stadium Ireland Development Limited to a consortium comprising Rohcon Limited, Dublin Waterworld Limited and Waterworld (UK) Limited. The final account agreed with Rohcon is €63,325,294, which is made up of the contract amount of €62,090,192 plus change orders of €1,235,102. These figures are exclusive of VAT. The Rohcon account included design and plant costs. Equipment, fit out and commissioning costs would have been a matter for Dublin Waterworld Limited, a private company established to operate the National Aquatic Centre.

Project management-contract administration was provided to the CSID by Davis Langdon PKS. The original fee was €839,931. The post practical completion fee was €27,648. Expenses were €30,000. Consultancy fees in excess of €10,000 were paid to the executive services team led by Magahy and Company and McCann FitzGerald, legal advisers. The amounts paid would have related not only to the National Aquatic Centre but also to the wider Sports Campus Ireland project. A consultancy fee of €313,069 was paid to High Point Rendel for the provision of the overview report of Campus and Stadium Ireland Development Limited. With the exception of High Point Rendel, which was a UK-based company, the jurisdiction of the firms to whom the above amounts were paid was Ireland but some of these firms would have had sub contractors from outside Ireland.

National Conference Centre.

Mr. Cregan asked the Minister for Arts, Sport and Tourism the position regarding the national conference centre; the target dates for progress; and if he will make a statement on the matter. [23742/05]

Mr. Deenihan asked the Minister for Arts, Sport and Tourism when the successful tenderer will be announced for the proposed national conference centre; and if he will make a statement on the matter. [23744/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 337 and 339 together.

I would refer the Deputies to the text of my reply to Parliamentary Questions Nos. 37 and 43 on Thursday, 16 June 2005. The position as outlined then remains unchanged.

Arts Funding.

Mr. Deenihan asked the Minister for Arts, Sport and Tourism the level of funding available under the festivals and cultural events fund for 2005; the persons and organisations who have benefited to date from the fund; and if he will make a statement on the matter. [23743/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): My Department does not provide direct funding for festivals and cultural events. The festival and cultural events initiative, a scheme set up some years ago to expand regional tourism through festivals and cultural events by both assisting with the marketing activities of existing festivals as well as promoting new events, is administered by Fáilte Ireland. Information about the funding available under the scheme, including the specific events supported by Fáilte Ireland — which is a day-to-day operational matter for that body — is available on Fáilte Ireland’s website www.failteireland.ie.

Sport and Tourism the position regarding the national conference centre; and if he will make a statement on the matter. [23739/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis. Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December 2004. The closing date for receipt of applications was 4 February 2005. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme’s assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Access to Sporting Facilities.

Mr. F. McGrath asked the Minister for Arts, Sport and Tourism if Beaumont, Artane, Santry and Whitehall, Dublin will be granted a public basketball facility; and if he will work with Dublin City Council on this issue. [23748/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): Funding is available from my Department for sports related projects through the national lottery-funded sports capital programme. This programme allocates funding towards the provision of sporting and recreational facilities to sporting and to voluntary and community organisations at local, regional
and national level throughout the country. The programme is advertised on an annual basis. No application was received under the 2005 programme from a local authority or from any organisation in the areas listed by the Deputy in respect of a public basketball facility. The deadline for receipt of applications under the 2005 programme was 4 February.

I expect to be in a position to advertise the 2006 sports capital programme later this year. At that time, it will be open to local authorities or any other qualifying group to make an application, should they have a suitable project that meets the guidelines, terms and conditions of the programme. I would like to assure the Deputy that my Department continues to work closely and effectively with Dublin City Council and the other local authorities in respect of the provision of public sports facilities. The Government, through my Department, has provided substantial funding towards the provision of a number of municipal-multi-sport facilities throughout Dublin city and other areas of the country. In this regard, my Department would be pleased to consult with Dublin City Council on any proposals it may wish to bring forward regarding the provision of public basketball facilities in the areas mentioned by the Deputy.

I would also like to inform the Deputy that the Government, through my Department, has allocated a total of €779,000 in sports capital grants since 1999 to Basketball Ireland, the national governing body for the sport, towards its community hoops programme. This programme aims to install outdoor basketball hoops in parks and playgrounds throughout Ireland with a particular focus on areas of disadvantage. This allows for instant and free access to the sport for all members of the community. Further information on the community hoops programme, including an application form to have hoops installed, is available to interested parties on www.basketballireland.ie.

Community Games.

342. Mr. Perry asked the Minister for Arts, Sport and Tourism if a venue for the community games national finals is being developed. [23749/05]

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 relating to the hosting of the annual community games finals in Mosney, I approved funding of €100,000 towards the renovation of the accommodation at the Mosney Holiday Centre specifically to ensure that the facilities there were 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 continuing willingness to facilitate the availability of Mosney to host the games.

The 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 there is no other venue in Ireland with the scale and variety of facilities required for their national events as currently structured and also 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 completely 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.

Departmental Expenditure.

343. Mr. Kenny asked the Minister for Arts, Sport and Tourism the amount of his Department's budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year's end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23977/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The funding provided for my Department under Vote 35 and the surplus surrendered to the Department of Finance for 2004 is set out in the following table.

<table>
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<th>Year</th>
<th>Estimate</th>
<th>Surplus Surrendered</th>
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<tr>
<td>2004</td>
<td>€444.4 million</td>
<td>€4.9 million</td>
</tr>
</tbody>
</table>

The net surplus is derived mainly from savings on subheads B6, tourism product development, C1, sports capital grants, and D5, cultural development together with an excess spend on subhead C2, grants for local authority swimming pools and a shortfall in appropriations-in-aid. My ministerial Vote group also includes the Vote for the National Gallery of Ireland, Vote 33. The funding provided for the National Gallery and the surplus surrendered for the year in question is set out in the following.

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimate</th>
<th>Surplus Surrendered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>€8.6 million</td>
<td>€0.173 million</td>
</tr>
</tbody>
</table>

The surplus on this Vote derived from the administration subheads A1 to A7.

344. Mr. O'Shea asked the Minister for Arts, Sport and Tourism the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his
Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter.

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): Prior to the enactment of the Official Languages Act 2003, my Department was already meeting the required standards of bilingual practice in areas, for example, such as stationery and in the placing of public advertisements. The costs arising to date in 2005 amount to €2,000. My Department was included in the first tranche of public bodies required to produce an Irish language scheme under section 11 of the Official Languages Act. Following a public consultation process, such a scheme was prepared by my Department in line with the central guidelines prepared by the Department of Community, Rural and Gaeltacht Affairs on preparation of language schemes. The scheme, which covers the three year period 2005-08, was recently confirmed by my colleague the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, and becomes effective on 1 July 2005. A copy of the scheme will be available on the Department’s website on 1 July. It is estimated that the total costs arising from the implementation of the Official Languages Act 2003 for the full year 2005 will be approximately €45,000. These costs which include staff training costs will be met from within my Department’s existing budget.

Swimming Pool Projects.

345. Mr. Naughten asked the Minister for Arts, Sport and Tourism if he will approve funding for a project (details supplied); and if he will make a statement on the matter. [24092/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): Under the local authority swimming pool programme administered by my Department, proposals for the provision of a swimming pool in Ballaghaderreen were submitted by Roscommon County Council and Ballaghaderreen and Districts Development Limited. It is a requirement of the programme that projects not being developed directly by a local authority must be submitted through and have the full support of the relevant local authority. This is particularly important in the context of financing the capital and ongoing costs of such projects. Roscommon County Council has been asked for an update of the feasibility study for this project and, when received, the matter can be considered further.

Question No. 346 answered with Question 327.

Appointments to State Boards.

347. Mr. Quinn asked the Minister for Arts, Sport and Tourism if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24181/05]

348. Mr. Quinn asked the Minister for Arts, Sport and Tourism if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24195/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): I propose to take Questions Nos. 347 and 348 together. There are currently three vacancies on the board of Campus and Stadium Ireland Development Limited, which it is not proposed to fill at this time pending the establishment of Campus and Stadium Ireland Development Limited on a statutory basis.

The vacancies expected to arise on the boards of statutory or State bodies between now and 31 December 2005 for appointments to be made by me are as follows:

<table>
<thead>
<tr>
<th>Body</th>
<th>Number of vacancies</th>
<th>Method of selection</th>
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<tbody>
<tr>
<td>Irish Sports Council</td>
<td>One</td>
<td>The Irish Sports Council Act provides that all board appointments are made by the Minister for Arts, Sport and Tourism.</td>
</tr>
<tr>
<td>Horse Racing Ireland</td>
<td>Four</td>
<td>Under the Horse Racing Ireland (Membership) Act 2001, the vacancies which will arise are subject to nomination from: (i) Racing Regulatory Board — Turf Club (ii) Racehorse breeders (iii) Authorised bookmakers (iv) Representative of persons employed in the horseracing industry.</td>
</tr>
<tr>
<td>Irish Manuscripts Commission</td>
<td>With the process under way to establish the Irish Manuscripts Commission — IMC — on a new legal basis, an entirely new board with a maximum of 20 members will fall to be appointed between now and 31 December, 2005</td>
<td>All of the board members will be appointed by the Minister for Arts, Sport and Tourism. Nine nominations will be sought from the National Universities and the Directors of the National Library of Ireland, the National Archives and the Public Record Office of Northern Ireland will be appointed as ex-officio members.</td>
</tr>
</tbody>
</table>
In appointing persons to the boards under the aegis of my Department, I follow the guidelines set out in the Cabinet handbook regarding eligibility, transparency and gender balance. The Department of Finance, in conjunction with other relevant Departments, including my own, has been considering whether tax clearance certificates can and should be required of persons being considered for appointment to State boards. Based on the outcome of that process, further consideration will be given as to whether any change to the existing arrangements is appropriate.

Public Transport.

349. Mr. Crowe asked the Minister for Enterprise, Trade and Employment if has received any communication regarding the installation of sub-standard driver seating on public transport buses and the possible health effects on employees; and if, in view of the heightened public awareness regarding safety on public transport, he is satisfied that adequate mechanisms are in situ throughout the public transport system in terms of bus, passengers and drivers’ health and safety; if he has received any communications on these issues; and if he will make a statement on the matter. [23909/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): My Department has received no communication of the nature referred to in the Deputy’s question. My Department does not have overall responsibility for public transport matters or public transport safety matters specifically, except to the extent that occupational safety, health and welfare legislation, which is administered and enforced by the Health and Safety Authority, applies to employees in the sector, as it does to employees in every sector of the economy.

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents — vibration — is due to be transposed into national legislation by the member states this year. This directive applies to vehicles with poor suspension and vehicles with badly designed or positioned controls or which require drivers to adopt a poor driving posture. It may be possible that some public transport vehicles fall into this category and it will be a matter for companies operating public transport services to comply with the directive when it is transposed. Transposition regulations are being developed by the Health and Safety Authority, which, when signed and brought into operation, will involve protecting workers from risks in this area.

Migrant workers.

350. Aengus Ó Snodaigh asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the findings of the International Organisation for Migration’s world migration report 2005 that common concerns on migration, such as that it is spiralling out of control and that it causes job losses, lower wages and increased social welfare costs, are not only unfounded but contrary to the evidence; and if he will make a statement on the matter. [23972/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I am aware of the findings of in the report to which the Deputy refers. I would add that these findings coincide with Ireland’s experience of economic migration. Research undertaken by the Economic and Social Research Institute has found that as a result of inward migration, economic growth in Ireland was 3.7% higher in the period 1999 to 2003, than it otherwise would have been without any loss of employment or reductions in wage levels.

Job Creation.

351. Mr. Kehoe asked the Minister for Enterprise, Trade and Employment the number of jobs IDA or Enterprise Ireland have created in County Wexford for each year between 1992 and to date in 2005; when each one was created; and if he will make a statement on the matter. [23615/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Forfás employment survey is the authoritative source measuring employment in companies supported by the enterprise development agencies. The employment survey is undertaken on an annual basis and as such, 2004 is the latest and most definitive information available. Enterprise Ireland, EI, and IDA Ireland report the following new jobs being created in County Wexford over the period 1992 to 2004:

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<tbody>
<tr>
<td>IDA</td>
<td>117</td>
<td>39</td>
<td>234</td>
<td>186</td>
<td>229</td>
<td>139</td>
<td>123</td>
<td>82</td>
<td>152</td>
<td>78</td>
<td>173</td>
<td>134</td>
<td>333</td>
</tr>
<tr>
<td>EI</td>
<td>241</td>
<td>292</td>
<td>25</td>
<td>28</td>
<td>36</td>
<td>30</td>
<td>34</td>
<td>355</td>
<td>371</td>
<td>416</td>
<td>535</td>
<td>272</td>
<td>241</td>
</tr>
</tbody>
</table>

IDA Ireland’s strategy for County Wexford, for the medium to long term, is to concentrate resources on the national spatial strategy hub and county town of Wexford as the location with the greatest potential to develop as a first class location for inward investment from overseas.
Other towns in the county, including Enniscorthy, New Ross and Gorey, are expected to benefit from the greater dynamism that the national spatial strategy gateway and hub locations of Waterford, Wexford and Kilkenny can bring to the wider south-east region. For the short term, IDA will concentrate efforts on Enniscorthy and New Ross where there are available advance technology buildings to market to overseas clients. County Wexford has a total of 1,993 people working in IDA-supported companies as at the end of 2004. This compares with 1,839 people in 2002 and 1,740 people in 2001.

Over the last number of years, IDA Ireland has been seeking to attract overseas companies in newer sectors to Wexford and the profile of clients has been changing, with Lake Region and Waters Corporation — medical technologies, as well as PPFC and Equifax — international services, now firmly established in the county. IDA Ireland is committed to continue marketing Wexford as a location for knowledge-intensive industries.

Enterprise Ireland approved funding of over €43 million and made payments of over €33 million to client companies in County Wexford in the period 1992 to date to assist them with development projects. The development of community-based enterprise centres is a crucial part of the drive to create new regional enterprise. Since 1993, Enterprise Ireland has provided support of over €640,000 towards the development of community enterprise centres in Tagoat, Wexford and Enniscorthy in County Wexford. In addition, almost €60,000 has been provided in support of management development in these centres.

Enterprise Ireland continues to foster job creation in County Wexford. Enterprise Ireland job creation activity is focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, the retention and creation of new jobs in existing companies and in enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions.

Departmental Reports.

352. Mr. Kehoe asked the Minister for Enterprise, Trade and Employment when he, Deputy Kehoe, will receive a reply to Parliamentary Question No. 180 of 22 June 2005; and if he will make a statement on the matter. [23616/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): In my reply to the Deputy’s question relating to the number, name, cost, publication date and preparation time for reports published in my Department since 1997, I informed the Deputy that I would forward the requested information to him as soon as it was compiled by officials of my Department. There is a significant amount of work involved in compiling this information, which covers an eight-year period, across the Department. I expect to be in a position to forward the information to the Deputy by next week at the latest.

Employment Rights.

353. Mr. English asked the Minister for Enterprise, Trade and Employment further to a decision by the Employment Appeals Tribunal, details supplied, if he has plans to review or change the legislation governing this area of employment law; and if he will make a statement on the matter. [23726/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): There are no plans at present to review or change the legislation governing this particular area of employment law. However, the Government has recently established the employment rights review group, comprising representatives of this Department, the employment rights bodies — Labour Court, Employment Appeals Tribunal and Labour Relations Commission — Rights Commissioner Service — and the social partners. The employment rights review group will work to improve considerably the levels of customer service that the various employment rights bodies can offer to those using the dispute resolution services. It will also facilitate the simplification and modernisation of procedures and provide greater transparency and ease of access for all users. The employment rights review group will be chaired by an assistant secretary at the Department of Enterprise, Trade and Employment and will report annually to the Government on progress and issues arising.

A related programme of work is to be undertaken by the Department of Enterprise, Trade and Employment, in co-operation with the Office of the Attorney General to simplify, harmonise and consolidate the corpus of employment rights legislation. This programme, to be assisted by the employment rights review group, will bring forward proposals for a coherent and consolidated corpus of legislation for consideration by Government. This will not involve changes in statutory employment rights entitlements or affect the adjudicative independence of the employment rights bodies.

Research Funding.

354. Mr. Gormley asked the Minister for Enterprise, Trade and Employment if the Government has ever commissioned or evaluated any formal research on the efficacy of animal experiments; and, if not, if it plans to do so. [23727/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department has not commissioned or evaluated such research and has no plans to do so.
Bullying in the Workplace.

355. **Mr. Gormley** asked the Minister for Enterprise, Trade and Employment the steps his Department has taken to deal with bullying in the workplace; if his Department has a definition of the term “bullying”; and if he will make a statement on the matter. [23728/05]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** In August 2004, my predecessor, Deputy Frank Fahey, then Minister with responsibility for labour affairs, established the expert advisory group on workplace bullying. I have received the report of the group and it is intended that the group’s report will be submitted to Government in July 2005. I would hope to publish the report quite soon thereafter.

On the issue of a definition of the term “bullying”, the definition in current use is that contained in the report of the task force on the prevention of workplace bullying which defines bullying as: ...repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual’s right to dignity at work. An isolated incident of the behaviour described in this definition may be an affront to dignity at work but as a once off incident is not considered to be bullying.

Departmental Expenditure.

356. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the Vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23978/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The net Estimate for the Department of Enterprise, Trade and Employment for 2004 was €1,124,471,000. The amount surrendered to Department of Finance at year’s end was €55,029,000. Some €34,237,000 of unspent capital expenditure was carried over into 2005 under the terms of the capital investment framework agreement which exists between both Departments.

357. **Mr. O’Shea** asked the Minister for Enterprise, Trade and Employment the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24012/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** To date in 2005, it has been calculated that my Department has spent a sum of €20,783 on the implementation of the provisions of the Official Languages Act 2003. It is estimated that €56,000 will be spent on the Act in 2005.

Work Permits.

358. **Mr. Bruton** asked the Minister for Enterprise, Trade and Employment the number of work permits issued in each of the past five years, classified by sector of the economy in which persons are employed and by skill level. [24022/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The sectors of the economy in which work permits were issued for each of the past five years are appended for the Deputy’s information. Statistics by skill level are not at present compiled.


<table>
<thead>
<tr>
<th>Category</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and fisheries</td>
<td>2,980</td>
<td>5,714</td>
<td>6,249</td>
<td>7,242</td>
<td>3,740</td>
</tr>
<tr>
<td>Catering</td>
<td>3,920</td>
<td>9,129</td>
<td>10,305</td>
<td>11,557</td>
<td>8,336</td>
</tr>
<tr>
<td>Domestic</td>
<td>200</td>
<td>521</td>
<td>788</td>
<td>944</td>
<td>722</td>
</tr>
<tr>
<td>Education</td>
<td>370</td>
<td>480</td>
<td>610</td>
<td>759</td>
<td>717</td>
</tr>
<tr>
<td>Entertainment</td>
<td>651</td>
<td>1,021</td>
<td>874</td>
<td>945</td>
<td>801</td>
</tr>
<tr>
<td>Exchange Agreements</td>
<td>75</td>
<td>61</td>
<td>297</td>
<td>272</td>
<td>146</td>
</tr>
<tr>
<td>Industry</td>
<td>1,750</td>
<td>3,119</td>
<td>3,092</td>
<td>3,382</td>
<td>2,174</td>
</tr>
<tr>
<td>Medical and nursing</td>
<td>1,360</td>
<td>1,766</td>
<td>2,883</td>
<td>2,712</td>
<td>2,469</td>
</tr>
<tr>
<td>Service industry</td>
<td>6,580</td>
<td>14,018</td>
<td>15,069</td>
<td>19,511</td>
<td>14,705</td>
</tr>
<tr>
<td>Sport</td>
<td>120</td>
<td>121</td>
<td>153</td>
<td>227</td>
<td>207</td>
</tr>
<tr>
<td>Total permits issued</td>
<td>18,006</td>
<td>36,436</td>
<td>40,321</td>
<td>47,551</td>
<td>34,067</td>
</tr>
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</table>

Job Losses.

359. **Mr. Gogarty** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the recent or pending job losses of up to 100 persons at a company, details supplied, in County Kildare; the plans in place to find replacement jobs in the Leixlip and Lucan
years of age are entitled to rates. For example, employees who are under 18 to receive a statutory minimum rate of pay of 2000 provides that every adult worker is entitled of baby-sitting or the care of children. any of these Acts that refer specifically to the task Acts apply. There are however, no provisions in through a contract of employment — whether there is an employer-employee relationship employment in regard to the regulation of child care, Killeen): Enterprise, Trade and Employment (Mr. 

The State development agencies, under the aegis of my Department, are promoting the Leixlip and Lucan areas for employment creation and investment. I am satisfied that the strategies and policies being pursued by the agencies will continue to provide sustainable job creation and investment in these areas.

Employment Rights.

360. Mr. Cuffe asked the Minister for Enterprise, Trade and Employment if he will provide a synopsis on the legislation in the area of baby-sitting, indicating the minimum ages for those entrusted with the care of children, the hourly wage and maximum hours that can be worked; and if he will make a statement on the matter. [24060/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): My Department does not have a function in regard to the regulation of child care, including baby-sitting. With regard to employment rights generally, the position is that, where there is an employer-employee relationship through a contract of employment — whether express or implied, oral or in writing — the provisions of a wide range of Employment Rights Acts apply. There are however, no provisions in any of these Acts that refer specifically to the task of baby-sitting or the care of children. Currently, the National Minimum Wage Act 2000 provides that every adult worker is entitled to receive a statutory minimum rate of pay of €7.65 per hour. In certain circumstances, the Act also provides for the application of sub-minimum rates. For example, employees who are under 18 years of age are entitled to €5.36 per hour.

The Protection of Young Persons (Employment) Act 1996 is concerned with the establishment of maximum hours of work that may be undertaken by children — persons under 16 years of age — and young persons — 16 and 17 year olds. Employers may not employ children in a regular full-time job, but may take on 14 and 15 year olds on light work, during the school holidays, part-time during the school term or as part of an approved work experience or educational programme where this work is not harmful to their safety, health or development. Under the 1996 Act, 14 and 15 year olds may work nil or eight hours, respectively, per week during term time; may work 40 hours work experience during holidays; are entitled to 30 minutes rest after four hours work and 14 consecutive hours rest in every 24 hour period and employment may not begin before 8 a.m. or after 8 p.m. The 1996 Act also provides that for 16 and 17 year olds hours of work should not exceed a maximum of 40 hours per week; rest periods should be 12 consecutive hours in every 24 hour period; rest breaks should be of 30 minutes duration after working four and a half hours and employment may not begin before 6 a.m. or after 10 p.m. The employment rights information unit of my Department can make available a series of information booklets that cover the essential elements of each piece of legislation mentioned above. These can also be downloaded from the Department’s website at http://www.entemp.ie/employmentrights.

Anti-competitive Practices.

361. Mr. Cuffe asked the Minister for Enterprise, Trade and Employment his views on the near monopolies that companies (details supplied) hold in the areas of event hosting and booking; and if he will make a statement on the matter. [24062/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): As I have advised the House previously, I am aware of the high market share held by certain companies engaged in the promotion and sale of concert and theatre tickets. The Competition Act 2002 prohibits the abuse of a dominant position and other anti-competitive activities. The Act is enforced by the Competition Authority, which operates independently of my Department. Accordingly, if there are any allegations of anti-competitive practices, they should be referred to the authority for investigation.

Job Creation.

362. Mr. Naughten asked the Minister for Enterprise, Trade and Employment the average cost of creating an IDA and Enterprise Ireland-supported job, respectively; and if he will make a statement on the matter. [24094/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issue regarding the cost of creating IDA Ireland and Enterprise Ireland-supported jobs is a day-to-day matter for the agencies themselves and not one in which I am directly involved. Data indicating the average cost of creating IDA Ireland and Enterprise Ireland-supported jobs is compiled from an annual employment survey carried out by Forfás — see following table. The cost per job is calculated by taking into account all agency expenditure on all firms in the period of calculation. Enterprise Ireland reports that the average cost per job created and sustained over the seven-year period 1998 to 2004 was €7,956. Over the seven-year period 1998-2004, there have been 101,438
jobs created in Enterprise Ireland-supported companies. The sustainability of these jobs is reflected in the decreasing cost per job over the same period. IDA Ireland reports that the average cost per job created and sustained over the

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<tr>
<td>€ Euro</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>IDA Ireland</td>
<td>14,861</td>
<td>14,799</td>
<td>16,815</td>
<td>16,529</td>
<td>16,529</td>
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Enterprise Ireland.

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<tr>
<td>€ Euro</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost per job</td>
<td>10,777</td>
<td>9,408</td>
<td>9,846</td>
<td>8,961</td>
<td>7,956</td>
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**Consumer Affairs.**

363. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the position regarding Parliamentary Questions Nos. 99 and 100 of 14 April 2005; and if he will make a statement on the matter. [24095/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The final report of the consumer strategy group, entitled Make Consumers Count — A New Direction for Irish Consumers, was published on 18 May 2005. It has as its core recommendation that a new national consumer agency be established. This recommendation has been accepted in principle by the Government. The establishment of the new agency will require primary legislation and my Department has already commenced preparatory work on this matter. In order to maintain the momentum of the consumer strategy group’s report, earlier this month I appointed a board to the new agency to act in an interim capacity until such time as the national consumer agency is established on a statutory footing.

The report has also recommended that the Restrictive Practices (Groceries) Order 1987 be revoked in its entirety. As indicated in my response to the House on 14 April 2005, I have now commenced a public consultation process whereby all interested parties are invited to make submissions on this recommendation, up until 31 July 2005. The views of all interested parties will be taken into consideration before any decision is taken in relation to the order.

**Appointments to State Boards.**

364. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24182/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The position regarding current vacancies on the boards of statutory or State bodies under the remit of my Department is set out in the following paragraph.

There is one vacancy at present on the board of the National Standards Authority of Ireland. The reason for the vacancy is retirement by rotation, as required under the National Standards Authority of Ireland Act 1996. The decision on the filling of the vacancy is under consideration. There is currently one vacancy on the board of Shannon Free Airport Development Company due to the resignation of a board member. The decision on the filling of the vacancy is under consideration. Under the recently enacted Safety, Health and Welfare at Work Act 2005, the number of board members on the Health and Safety Authority will be increased by one. The formal appointment will be made shortly.

365. **Mr. Quinn** asked the Minister for Enterprise, Trade and Employment if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24196/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The position regarding vacancies expected to arise before 31 December 2005, on the boards of statutory or State bodies
under the remit of my Department is set out in the following paragraphs.

There is currently one vacancy on the board of the National Standards Authority of Ireland. No further vacancies are expected this year. Subject to paragraph 1(3) of the Second Schedule of the National Standards Authority of Ireland Act 1996, the members of the board are appointed by the Minister from among those interests involved in the process of standardisation and certification of commodities, processes and practices, without any single interest predominating, taking into account guidelines issued from time to time by the Government and, in particular, providing for staff representation and gender balance on the board.

Two vacancies are expected to arise on the board of Science Foundation Ireland between now and 31 December 2005. In accordance with Section 8(4) of the Act, appointments to the board of Science Foundation Ireland are made by the Minister, with the consent of the Minister for Finance following consultation with the Minister for Education and Science. Appointments are made on the basis of the relevant experience and skills of the individuals concerned. The issues of gender balance and industrial and higher education expertise are also taken into consideration.

Appointments to the board of Enterprise Ireland are subject to the conditions of the Industrial Development (Enterprise Ireland) Act 1998, which provides for two members to retire annually by rotation from the board. Two such retirements are expected before the end of 2005. Following consultation with Enterprise Ireland, the Department of Enterprise, Trade and Employment proposed that the Minister reappoint the outgoing board members. The Minister has approved the reappointment of both members and has sought the consent of the Minister for Finance. The chairperson of Enterprise Ireland is also due to retire before the end of 2005. The Department of Enterprise, Trade and Employment proposed his reappointment for a further three years. Following consultation with the Taoiseach and the Tánaiste, the Minister has approved the reappointment and has sought the consent of the Minister for Finance.

Two vacancies are expected to arise on the board of the IDA before the end of 2005. Appointments to the board of the IDA are subject to the conditions of the Industrial Development Acts, which provide for two members to retire annually by rotation from the board. A decision will be made on potential candidates, bearing in mind the needs of the agency.

Social Welfare Benefits.

366. Mr. Durkan asked the Minister for Social and Family Affairs the total amount spent by way of rent support in lieu of housing in each of the past five years; and if he will make a statement on the matter. [22323/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for the payment of a rent supplement to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source. Details of expenditure on rent supplements in each of the past five years are set out in the following table.

Expenditure on rent supplement for the years 2000 to 2004.

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>150.59 € million</td>
</tr>
<tr>
<td>2001</td>
<td>179.40</td>
</tr>
<tr>
<td>2002</td>
<td>252.34</td>
</tr>
<tr>
<td>2003</td>
<td>331.47</td>
</tr>
<tr>
<td>2004</td>
<td>353.76</td>
</tr>
</tbody>
</table>

The 2005 Estimates allocation for this scheme is €369 million.

Departmental Reports.

367. Mr. Kehoe asked the Minister for Social and Family Affairs the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each one; and if he will make a statement on the matter. [23518/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department publishes a range of reports in line with its responsibilities for the development and delivery of social welfare services. These include annual reports about the Department’s activities, reports under the ongoing programme of expenditure reviews, research undertaken with regard to policy development and reports of working groups and inter-departmental policy groups established to complete specific tasks, such as those established under the social partners’ agreements.

In the period in question, some 83 reports were published by my Department. The names of the reports and the dates of publication are set out in the appendix. Details of the costs and the preparation time involved are included where this information is readily available.

APPENDIX

Statistical Information on Social Welfare Services 1996. Estimated cost: €15,500
Date of publication: 24 July 1997
Length of time taken to prepare: 6 months approximately

Estimated cost: Not readily available
Date of publication: late 1997
Length of time taken to prepare: 8 months approx
The final Report of the Commission on the Family ‘Strengthening Families for Life’
Estimated cost: Not readily available
Date of publication: June 1998
Length of time taken to prepare: 3 years

Social Inclusion Strategy of the Department of Social, Community & Family Affairs.
Estimated cost: €13,189
Date of publication: August 1998
Length of time taken to prepare: Information not readily available

Estimated cost: €15,768
Date of publication: 2 August 1998
Length of time taken to prepare: 6 months approximately

Annual Report of the Department of Social, Community and Family Affairs, 1997
Estimated cost: €7,630 (design cost)
Date of publication: late 1998
Length of time taken to prepare: 8 months approximately

Annual Report of the NAPS Inter Departmental Policy Committee.
Estimated cost: €17,874
Date of publication: 1998/99
Length of time taken to prepare: Information not readily available

Annual Report of the Department of Social, Community and Family Affairs, 1998
Estimated cost: €7,700 (design cost)
Date of publication: late 1999
Length of time taken to prepare: 8 months approximately

Estimated cost: €15,313
Date of publication: 1 August 1999
Length of time taken to prepare: 6 months approximately

Estimated cost: €5,786
Date of publication: September 1999
Length of time taken to prepare: Information not readily available

Annual Report of the NAPS Inter Departmental Policy Committee.
Estimated cost: €7,522
Date of publication: 1999/2000
Length of time taken to prepare: Information not readily available

Estimated cost: €15,959
Date of publication: 27 June 2000
Length of time taken to prepare: 6 months approximately

Evaluation of the Family Services Project by Nexus Research Co-operative
Estimated cost: €37,000
Date of publication: October 2000
Length of time taken to prepare: 1 year approximately

Annual Report of the Department of Social, Community and Family Affairs, 1999
Estimated cost: €9,800 (design cost)
Date of publication: late 2000
Length of time taken to prepare: 8 months approximately

MABS Evaluation by Eustace Patterson
Estimated cost: €103,098
Date of publication: 2000
Length of time to prepare: 2 years, 10 months

Balancing Work and Family Life: the Role of Flexible Working Arrangements — Families Research Programme
Estimated cost: €22,897
Date of publication: December 2000
Length of time taken to prepare: 12 months approximately

Annual Report of the NAPS Inter Departmental Policy Committee.
Estimated cost: €10,558
Date of publication: 2000/2001
Length of time taken to prepare: Information not readily available

Annual Report of the Department of Social, Community and Family Affairs, 2000
Estimated cost: €8,350 (design cost)
Date of publication: late 2001
Length of time taken to prepare: 8 months approximately

Report of the Task Force on Foot and Mouth Disease in County Louth.
Estimated cost: Standard administrative overheads
Date of publication: 12th April 2001 Length of time taken to prepare: 1 month approximately

Marital Breakdown Research Project — Families Research Programme
Estimated cost: €19,046
Date of publication: April 2001
Length of time taken to prepare: 1 year 6 months approximately

“Employability and its relevance for the management of the Live Register” ESRI
Estimated cost: €43,000
Date of publication: May 2001
Length of time taken to prepare: 8 months approximately

National Action Plan against Poverty and Social Exclusion (NAPincl).
Estimated cost: €7,300
Date of publication: June 2001
Length of time taken to prepare: Information not readily available

Estimated cost: €13,728
Date of publication: 7 August 2001
Length of time taken to prepare: 6 months approximately

Grandparenthood in Modern Ireland — Families Research Programme
Estimated cost: €36,335
Date of publication: September 2001
Length of time taken to prepare: 2 years approximately

Estimated cost: €5,046
Date of publication: September 2001
Length of time taken to prepare: Information not readily available

Supporting Parenting — Families Research Programme
Estimated cost: €38,092
Date of publication: November 2001
Length of time taken to prepare: 2 years approximately

Estimated cost: €62,768
Date of publication: November 2001
Length of time taken to prepare: Information not readily available
[Mr. Brennan.]

Proceses of Family Formation in Ireland — Families Research Programme
Estimated cost: €40,720
Date of publication: February 2002
Length of time taken to prepare: 2 years approximately

Building an Inclusive Society: Review of the National Anti-Poverty Strategy under the PPF.
Estimated cost: €7,579
Date of publication: February 2002
Length of time taken to prepare: 3 months

How was it for You? — Families Research Programme
Estimated cost: €38,066
Date of publication: May 2002
Length of time taken to prepare: 2 years 6 months

Estimated cost: €20,039
Date of publication: 24 July 2002
Length of time taken to prepare: 6 months approximately

Estimated cost: €14,862
Date of publication: 25 August 2002
Length of time taken to prepare: 6 months approximately

Estimated cost: €90,000 (Sterling), excluding VAT.
Date of publication: September 2002
Length of time taken to prepare: 1 year 5 months approximately

Annual Report of the Department of Social, Community and Family Affairs, 2001
Estimated cost: €11,360 (design cost)
Date of publication: late 2002
Length of time taken to prepare: 8 months approximately

Evaluation of MABS Regional Development Officers by Eustace Patterson
Estimated cost: EUR 19,118
Date of publication: 2002
Length of time taken to prepare: 2 years, 2 months

Contemporary Family Policy — Families Research Programme
Estimated cost: €38,092
Date of publication: November 2002
Length of time taken to prepare: 3 years

Children's Experience of Parental Separation in Ireland — Families Research Programme
Estimated cost: €38,092
Date of publication: December 2002
Length of time taken to prepare: 3 years

Unhappy Marriages: Does Counselling Help? — Families Research Programme
Estimated cost: €57,138
Date of publication: December 2002
Length of time taken to prepare: 3 years

Study to Examine the Future Financing of Long term Care in Ireland.
Estimated cost: €130,229
Date of publication: June 2003
Length of time taken to prepare: 2 years 7 months approximately

Estimated cost: €9,650
Date of publication: July 2003
Length of time taken to prepare: 5 months

Estimated cost: €12,480
Date of publication: July 2003
Length of time taken to prepare: 6 months

Annual Report of the Department of Social and Family Affairs, 2002
Estimated cost: €23,330 (design and print costs)
Date of publication: late 2003
Length of time taken to prepare: 8 months approximately

Family Well-being: What Makes a Difference — Families Research Programme
Estimated cost: €38,913
Date of publication: February 2004
Length of time taken to prepare: 2 years

Distressed Relationships: Does Counselling Help? — Families Research Programme
Estimated cost: €53,785
Date of publication: February 2004
Length of time taken to prepare: 4 years 6 months

Marginalised Men — Families Research Programme
Estimated cost: €12,697
Date of publication: February 2004
Length of time taken to prepare: 4 years 6 months

Families and Family Life: Challenges for the Future.
Estimated cost: €15,300
Date of publication: February 2004
Length of time taken to prepare: 3 months

Estimated cost: €18,785
Date of publication: 29 August 2004
Length of time taken to prepare: 6 months approximately

A Nine-Year Psychosocial Follow-up Study of Children and their Families — Families Research Programme
Estimated cost: €45,712
Date of publication: September 2004
Length of time taken to prepare: 5 years approximately

Estimated cost: €29,092 (design and print costs)
Date of publication: late 2004
Length of time taken to prepare: 8 months approx

Strengthening Families Through Fathers — Families Research Programme
Estimated cost: €23,395
Date of publication: Nov 2004
Length of time taken to prepare: 4 years

Preventing Chronic Disability from Low Back Pain
RENAISSANCE PROJECT
Cost: EUR 6,463.80
Date of publication: September 2004
Time to prepare: 15 months

Estimated cost: €9,309
Date of publication: December 2004
Length of time taken to prepare: 4 months

An Oifig um Chuisiu Soisialta. An Chead Tuarascail Bhliantuir.
Estimated cost: €4,983 (excluding translation costs).
Date of publication: December 2004
Length of time taken to prepare: 4 months
Co-ordination of Social Security in an Enlarged Europe — now and tomorrow.
Estimated cost: €45,674
Date of publication: 30th May 2005
Length of time taken to prepare: 1 year approximately
Details of the expenditure review reports.

Evaluations of the Back to Work Allowance Scheme i.e. the employment and self employment strands, by WRC Social & Economic Consultants Ltd.
Date of publication: October 1997
Estimated cost: €55,794

National and Smokeless Fuel Schemes
Date of publication: July 1998

Carer’s Allowance
Date of publication: October 1998.

Actuarial Review & National Pensions Policy Initiative
Estimated costs: EUR 57,150
Date of publication: February 1999.

Credited PRSI Contributions
Date of publication: February 1999.

Disincentive effects of Secondary Benefits
Estimated costs: EUR 32,850
Date of publication: April 1999.

Back to Work Allowance Scheme
Date of publication: August 1999.

Interdepartmental Working Group examining the treatment of Married, Cohabiting and One Parent Families under the Tax and Social Welfare Codes
Date of publication: January 2000.

Free Schemes
Date of publication: May 2000.

Qualifying Conditions for Old Age (Contributory) and Retirement Pensions (Phase I)
Date of publication: August 2000

One-Parent Family Payment
Date of publication: July 2000.

An evaluation of the Back to Work Allowance and Area Allowance Enterprise Schemes (Indecon)
Estimated costs: EUR 104,437
Date of publication: December 2000.

Evaluation of the First Step Back to Work Allowance Fund, by Ernst & Young
Estimated costs: EUR 38,641
Date of publication: February 2001

Urban and Gaeltacht School Meals
Estimated costs: EUR 8,126
Date of publication: December 2002

Orphans Pensions/Allowances
Date of publication: March 2003

Illness and Disability Payment Schemes
Date of publication: September 2003

Back to School Clothing and Footwear Allowance
Date of publication: August 2004

Supplementary Welfare Allowance — Phase I
Date of Publication: December 2004

The following reports were published under the Community Development Programme during the period 1997 — 2002. Responsibility for the programme transferred to The Department of Community, Rural and Gaeltacht Affairs from that date. Information about the costs involved and the preparation time is not readily available.

Family Resource Centres Review by Carmel Kelleher and Patricia Kelleher
Date of publication: June 1997

Review of the Schemes of Grants to Locally-based Women’s Groups by Sourcelines Consultancy
Date of publication: October 1997

Review of the Scheme of Grants to Locally-based Men’s Groups
Date of publication: October 1997

Review of Scheme of Grants for locally-based Women’s Groups and for locally-based Men’s Groups
Date of publication: June 1998

Review of the Scheme of Community Support for Older People
Date of publication: April 1999

The National Community Development Handbook
Date of publication: September 1999

Equality in Community Development — Anti-Racist Code of Practice
Date of publication: November 1999

Developing a funding framework for Support Agencies in the Community Development Programme
Date of publication: April 2000

The White Paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary Sector
Date of publication: September 2000

Postal Services.

368. Cecilia Keaveney asked the Minister for Social and Family Affairs his views on requests, details supplied, made by the Irish Postmasters Union; and if he will make a statement on the matter. [23526/05]

Minister for Social and Family Affairs (Mr. Brennan): The range and type of services which An Post provides to its customers is, in the first instance, a commercial matter for the company. I have met with the Irish Postmasters Union and An Post regarding the further delivery of welfare entitlements. I have no role or function in this regard. I am aware that An Post is mindful of the need to move to a more modern payment system. As a result, I have been assured that An Post will respond to developments and product innovation in the money transmission market so that it can maintain its position as a leading player in this area of commercial activity.

The Government is committed to maintaining a viable network of post offices throughout the country and the issues involved are under consideration by my colleague, the Minister for Communications, Marine and Natural Resources, who is the Minister responsible for An Post. I have already met with him on this matter and I
will continue to liaise with him as appropriate. My Department’s policy 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. Some 58% of customers currently receive payment through their local post office, 10% are paid by cheque through the postal system and 32% receive direct electronic payment to their accounts with financial institutions.

The growth in the number of customers opting for the direct payment option can be attributed to a number of reasons, such as the growing use of electronic payments in business and society generally, the increase in the use of electronic banking and debit-credit cards by people and the changing profile of our customer base across all schemes. As I have stated in the past, it is my responsibility to ensure that welfare customers are given choices as regards the payment methods for their entitlements. My priority is to ensure that the most modern, the most flexible and widest range of options are available to our welfare customers.

An Post and my Department have been partners in the delivery of social welfare payments since the foundation of the State. There is a very good working relationship between my Department and the company and I am sure that An Post will continue to have an important role in the delivery of social welfare payments in the future.

Departmental Publications.

Mr. Stanton asked the Minister for Social and Family Affairs if the forms review committee has completed its work; if so, its findings and recommendations; if not, when its work will be completed; and if he will make a statement on the matter. [23528/05]

Minister for Social and Family Affairs (Mr. Brennan): The ongoing review of forms and information leaflets is an integral part of the day-to-day business of my Department. My Department uses a variety of consultative methods to assist with these reviews and to help identify areas for improvement. For example, feedback is obtained from our day-to-day contacts with customers, my Department’s information officers, customer panels, customer surveys and from Comhairle, the national information agency. This enables my Department to be responsive to our customers’ needs and ensures that forms and information material are customer-friendly, simple and easy to understand.

As a result of our internal reviews and consultation with our customers, my Department has now implemented a “plain English” policy on all application forms and leaflets. Staff from the information services unit work closely with the National Adult Literacy Agency, NALA, and currently all our application forms and information leaflets are vetted by NALA before going to print.

Question No. 371 answered with Question No. 86.

Budgeting Advice.

Mr. Stanton asked the Minister for Social and Family Affairs the average amount of debt that clients of the MABS are in; their average earnings per annum; and if he will make a statement on the matter. [23530/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department has overall responsibility for the money advice and budgeting service, MABS, which provides assistance to people experiencing indebtedness. There are 52 independent companies nationwide operating the service. MABS does not generate statistics on indebtedness and, consequently, the information sought by the Deputy is not available.

MABS, through MABS National Development Limited, is in the process of developing a computer system that will provide relevant statistics on indebtedness. MABS is centred on the needs of the customer and it is vital that the various needs of customers are met. This system, when operational, will add another positive dimension to the role of MABS.

Question No. 373 answered with Question No. 51.

Social Welfare Benefits.

Mr. Stanton asked the Minister for Social and Family Affairs the amount of overpayments his Department has written off as bad debts for each of the years 2002, 2003 and 2004; and if he will make a statement on the matter. [23534/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department operates a policy, under sanction of the Department of Finance, whereby overpayments, in respect of which there has been no recovery activity for three years and there is no immediate prospect of such recovery, are written off. The purpose of this provision, when introduced, was to avoid carrying forward large irrecoverable overpayments in the accounts of this Department.

The amounts written off in each of the three years in question were €7.9 million in 2002, €6.7 million in 2003 and €6.4 million in 2004 — provisional. The fact that a case is written off for accounting purposes does not mean that it cannot be recovered at a later date and if the opportunity subsequently arises to do so, recovery is pursued. Sums recovered post write off for the three years...
in question are €1.3 million in 2002, €1 million in 2003 and €1.5 million in 2004 — 2004 figures are provisional figures.

**Social Welfare Appeals.**

377. Mr. Stanton asked the Minister for Social and Family Affairs the average duration of the appeals process for cases appealed to the social welfare appeals office; and if he will make a statement on the matter. [23535/05]

Minister for Social and Family Affairs (Mr. Brennan): The average processing time for appeals closed in 2004 was 20 weeks and 90% of cases were finalised within 15 weeks. This covers all phases of appeals, including, where appropriate, examination by medical assessors of the Department and oral hearings, which are now afforded in approximately 70% of the cases determined by appeals officers.

Some appeals will always take a particularly long time to process, generally for reasons which are outside the control of the appeals office, for example, delays can occur if the appellant furnishes new evidence which requires investigation at a late stage in the proceedings or where adjournments are sought by the appellant and his/her representative. The social welfare appeals system is judicial in nature and the procedures involved are designed to ensure that every appellant’s case gets full and satisfactory consideration. While the achievement of further improvement in processing times is a major objective of the office, at all times it is necessary that progress in this regard is achieved in a manner which ensures that every appeal is fully investigated and examined on all its merits.

**Social Welfare Fraud.**

378. Mr. Stanton asked the Minister for Social and Family Affairs the way in which inspectors from his Department in pursuit of defaulters work with the Revenue Commissioners; and if he will make a statement on the matter. [23536/05]

Minister for Social and Family Affairs (Mr. Brennan): Social welfare inspectors appointed under section 212 of the Social Welfare (Consolidation) Act, 1998 are responsible, *inter alia*, for ensuring that employers and the self-employed comply with the legal requirements regarding pay related social insurance, PRSI, contributions. In 1990, joint inspection units — JIU — comprising personnel from both the Department of Social and Family Affairs, DSFA, and Revenue Commissioners inspectorates were established countrywide to combat social welfare fraud and tax evasion. These units work together to identify employers who are not complying with the PAYE/PRSI regulations and who are abusing social welfare schemes.

A service level agreement between this Department and the office of the Revenue Commissioners defines the administrative and operational arrangements of these units. This joint cooperation, drawing as it does on the expertise and experience of those involved in planning and conducting joint projects, has been beneficial in the detection of non-compliance and the collection of outstanding PRSI liabilities arising. In addition, the use of both social welfare and revenue legislation has been effective in this regard.

As a result of the ongoing employer inspection programme, carried out by the JIU and the general social welfare inspectorate, arrears of PRSI/PAYE, totalling €3.86 million and €3.82 million were recovered in respect of the years 2003 and 2004, respectively. Furthermore, to assist inspectors in carrying out this employer inspection programme and to enhance its effectiveness, non-compliant employers are targeted in a number of ways. Arising from the ongoing liaison and co-operation between my Department and the Revenue Commissioners, appropriate data are obtained from the Revenue Commissioners which identifies those employers who are failing to meet their legal obligations with regard to the PRSI scheme. Section 222 of the Social Welfare Consolidation Act 1998 provides for the sharing of data between my Department and the Revenue Commissioners.

Such information is issued to the nationwide network of inspectors for follow up action. This involves inspectors conducting wage inspections with a view to regularising the PRSI position and, where appropriate, assessing and collecting outstanding PRSI liabilities.

**Postal Services.**

379. Mr. J. Higgins asked the Minister for Social and Family Affairs if he will make representations to An Post to reinstate a post office service in Castleknock village, Dublin 15, in view of the hardship that the closure of the post office has caused pensioners. [23540/05]

Minister for Social and Family Affairs (Mr. Brennan): The post office referred to by the Deputy was closed temporarily on 7 April 2005 due to flooding. The Department has been notified by An Post that the premises is no longer available to it but it is actively seeking new premises in the area. In the meantime, social welfare customers have been redirected to one of four alternative post offices within a two mile radius of the closed office. It is understood that these arrangements are working satisfactorily.

My Department is notified in advance by An Post of the closure of any post office. On receipt of the notification, customers who are affected by the closure are redirected to the nearest post office or, alternatively, to a post office designated by the customer. Where these arrangements do not suit a customer, my Department provides alternative payment arrangements either by cheque or by direct payment into a customer’s account with a financial institution. Customers may contact my Department at any time if they wish to make alternative payment arrangements.

**Social Welfare Benefits.**

380. Mr. Ring asked the Minister for Social and
[Mr. Ring.]
Family Affairs the reason a person, details supplied, in County Mayo is being denied unemployment assistance. [23541/05]

Minister for Social and Family Affairs (Mr. Brennan): Following a review of his entitlements, a deciding officer disallowed the unemployment assistance claim of the person concerned on 15 June 2005 on the grounds that he is not available for and genuinely seeking full-time work. The person concerned has appealed this decision and his file has been forwarded to the independent social welfare appeals office for determination. Every effort is being made to have the appeal of the person concerned determined as soon as possible.

Under social welfare legislation, decisions regarding 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.

Departmental Expenditure.

381. Mr. Kenny asked the Minister for Social and Family Affairs the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the Vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23979/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department’s Estimate for 2004 was €5,999,368,000. The surplus to be surrendered to the Exchequer at year end was less than 0.7% at €40,168,236. Underspends on the following heads contributed to the amount to be surrendered: A, administration; E, unemployment assistance; F, farm assist scheme; G, employment support services; I, one-parent family payment; J, widow’s/widower’s and orphan’s non-contributory pensions; L, family income supplement; N, supplementary welfare allowance; P, free schemes; Q, the money advice and budgeting service; R, the Family Support Agency; S.2, social exclusion programme and U, miscellaneous services.

The expenditure for each of the main schemes operated by my Department is demand led and the underspends therefore represent a lower than expected demand in 2004. The number of those claiming unemployment assistance last year, for example, reflected a better than expected overall labour market performance.

Social Welfare Benefits.

382. Mr. Cregan asked the Minister for Social and Family Affairs when the living alone allowance was first introduced; the rate of same when introduced; when it was last increased; the level to which it was increased; if he will consider an increase in the allowance; and if it will be increased to all persons over 66 years living alone whether receiving a social welfare pension or not. [23990/05]

Minister for Social and Family Affairs (Mr. Brennan): The living alone allowance is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare type payments and who are living alone. It is also available to people under 66 years of age who are living alone and are receiving payments under one of a number of invalidity type schemes. The allowance was first introduced in 1977 and the payment rate at the time was €1 per week. The allowance is not a payment in its own right but a supplement to an Irish social welfare pension or other payment. As such, it cannot be paid to people without a social welfare entitlement or those whose pension payments are made under the social security regimes of other countries.

The allowance was last increased in 1996. The policy with regard to support for pensioners since then has been to commit resources to improving the personal pension rates for all pensioners, rather than supplementary payments such as the living alone allowance. This approach ensures that the position of all our pensioners is improved.

Irish Language.

383. Mr. O’Shea asked the Minister for Social and Family Affairs the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24013/05]

Minister for Social and Family Affairs (Mr. Brennan): As indicated in a previous reply, it has always been an objective of my Department to aim to provide quality customer service in Irish. This includes provision for translation of forms, leaflets and other documents; training of staff in spoken and written Irish and providing bilingual signage in public areas.

To date in 2005, €8,504 has been spent on Irish translation, €3,176 on Irish advertising and €30,173 on bilingual signage. It is estimated that expenditure on Irish training in 2005 will be €131,000 and €64,500 on bilingual signage. It is not possible at this stage to give an estimate of the final 2005 cost of translating Department documents into Irish or the cost of advertising in Irish.

The total budget for all translation in 2005 is €100,000 and €500,000 for all advertising. It is difficult to separate the portion in respect of Irish from costs generally as the cost of the Irish element is, in many instances, included in the total cost and cannot be separately identified.
Social Welfare Benefits.

384. Ms Shortall asked the Minister for Social and Family Affairs if his attention has been drawn to the anomalous position vis-à-vis welfare entitlement of students, whereby those who had been living independently of their parents with the support of welfare benefits and who later took a place at a third level institution have few social welfare entitlements purely on account of their student status and irrespective of their special circumstances; if his attention has further been drawn to the gross disincentive this presents for students to continue in education, particularly when rent allowance is affected; if he will examine the case of a person (details supplied) which highlights this problem in full; and if he will make a statement on the matter. [24080/05]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are available through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. In general, people in full-time education are excluded from receiving assistance, including rent supplement, under the supplementary welfare allowance scheme. However, there is provision for continued payment of rent supplement to eligible long-term social welfare recipients who wish to resume full-time education in approved courses through the back to education allowance or VTOS schemes, subject to satisfying the other standard conditions of the rent supplement scheme. Otherwise, there is no provision whereby a person in full-time education can qualify.

The Dublin north-east area of the Health Service Executive has advised that, in the course of a routine review of her entitlements, it became aware that the person concerned is a full-time student. As she is not participating in either the back to education allowance or VTOS schemes, she does not satisfy the conditions for continued payment of rent supplement. She has been informed by the executive, therefore, her rent supplement entitlement will cease in the event that she resumes full-time education next September.

385. Mr. Stanton asked the Minister for Social and Family Affairs his views on the fact that €3 million worth of social welfare cheques were not cashed in 2004; if this has been attributed to the fact that one in three welfare recipients do not have a bank account and so rely on local traders to exchange the cheques for cash or goods; and if he will make a statement on the matter. [24084/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department issued over 6.7 million cheques in 2004, of which 16,428 remained uncashed at their expiry date. Cheques issued by my Department can be cashed anytime up to six months after the date of issue. The reason cheques remained uncashed at their expiry date was because they had been lost, stolen, destroyed or were not cashed by customers or traders neglected to redeem them. In cases where my Department was satisfied that the original cheque had not been cashed by the customer or the value redeemed by the trader, replacement cheques were issued to them. A total of 8,732 replacement cheques were issued in 2004.

Cheques are but one of a range of payment methods offered to customers and account for about 10% of total payments issued by my Department. Departmental cheques are drawn on the Bank of Ireland and may be cashed at any bank branch on production of necessary identification. In addition, Bank of Ireland has an agreement with An Post whereby social welfare cheques may be cashed at any post office subject to satisfactory proof of identity.

While precise statistics are not available, it is estimated that about one third of social welfare customers in receipt of cheque payments cash them at retail outlets without any difficulty. My Department is not aware that customers receiving payment by cheque are experiencing any difficulties in encashing them.

386. Mr. Kehoe asked the Minister for Social and Family Affairs the reason a person (details supplied) has been discontinued payment of the diet supplement; the options available to them; and if he will make a statement on the matter. [24085/05]

Minister for Social and Family Affairs (Mr. Brennan): Diet supplements are provided for under the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. The amount of supplement payable is subject to a means test and depends on which of two categories of diet — low cost or high cost — has been prescribed by the applicant’s medical adviser and the income of the individual and his or her dependants.

The southern region of the executive has advised that the person concerned had been in receipt of a diet supplement of €44.20 per month — equivalent to €10.20 per week — in respect of a low cost, low fat diet, in addition, Bank of Ireland has an agreement with An Post whereby social welfare cheques may be cashed at any post office subject to satisfactory proof of identity.

While precise statistics are not available, it is estimated that about one third of social welfare customers in receipt of cheque payments cash them at retail outlets without any difficulty. My Department is not aware that customers receiving payment by cheque are experiencing any difficulties in encashing them.
against this decision and to present to it any new facts or information which might be relevant to his diet supplement eligibility.

Question No. 387 answered with Question No. 19.

Question No. 388 answered with Question No. 29.

Question No. 389 answered with Question No. 6.

390. Mr. Durkan asked the Minister for Social and Family Affairs if he has plans to improve the various benefits other than at budget time; and if he will make a statement on the matter. [24156/05]

Minister for Social and Family Affairs (Mr. Brennan): Improvements in social welfare schemes and services are normally introduced by way of the annual budget and/or the biannual Social Welfare Acts. Due to the funding implications normally associated with such improvements, I have no immediate plans to introduce them in another context.

Bilateral Social Security Agreements.

391. Mr. Durkan asked the Minister for Social and Family Affairs the number of countries with which Ireland has bilateral welfare agreements; if, in all such cases, the procedures are working effectively and efficiently; and if he will make a statement on the matter. [24157/05]

Minister for Social and Family Affairs (Mr. Brennan): Ireland has concluded bilateral social security agreements with seven countries: Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. Ireland also entered into a bilateral understanding with Québec on 1 October 1994. All of these agreements are currently in operation.

The main purpose of these agreements is to protect the social security pension rights of workers who have worked both in Ireland and the other country to which the agreements apply. With Austria, Switzerland and the United Kingdom, they have limited application as the EU regulations apply in most cases.

The bilateral agreements provide for the adding together of periods of insurance and, where appropriate, periods treated as equivalent to periods of insurance, completed in Ireland and the other country involved, for the purposes of calculating and awarding pensions. They also provide that temporarily posted workers may continue for a specified period under the social insurance system of the country in which they were previously insured instead of transferring for a short period into the other country’s system.

Liaison procedures have been established with each country and are kept under constant review. Regular contact is made with the appropriate foreign agencies to ensure the smooth transfer of the necessary information required to decide on these types of claims. At present, no significant difficulties are being experienced with any of the agreements.

For all schemes, the time taken to process claims that fall to be examined under bilateral agreements is longer than that for standard Irish entitlements, reflecting the added complexity that arises in determining entitlements under these agreements. While every effort is made to minimise processing times, the overriding objective in dealing with these claims is to ensure that people receive their full entitlements.

I assure the Deputy that delays in processing applications will not result in any losses to pensioners and those who qualify for payment will have their claims backdated fully in accordance with the normal regulations for backdating pension claims. I am satisfied that, overall, the procedures are working effectively and efficiently.

Social Welfare Appeals.

392. Mr. Durkan asked the Minister for Social and Family Affairs the number of appeals lodged against decisions in respect of social welfare entitlements in each of the past four years; and if he will make a statement on the matter. [24158/05]

Minister for Social and Family Affairs (Mr. Brennan): The figures requested are as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>15,961</td>
</tr>
<tr>
<td>2002</td>
<td>15,017</td>
</tr>
<tr>
<td>2003</td>
<td>15,224</td>
</tr>
<tr>
<td>2004</td>
<td>14,083</td>
</tr>
</tbody>
</table>

The decrease in the overall number of appeals over the period is due largely to the reduction in the number of appeals under the Department’s unemployment schemes.

Social Welfare Benefits.

393. Mr. Durkan asked the Minister for Social and Family Affairs the number of recipients of family income supplement in each of the past three years; the extent to which this has increased and decreased; and if he will make a statement on the matter. [24159/05]

Minister for Social and Family Affairs (Mr. Brennan): There are 15,503 families currently in receipt of the supplement. The number of persons who applied for family income supplement in the year to December 2004 was 21,020, which represents a substantial increase on 2003 when the numbers of applications received was 18,164. The number received in 2002 was 17,868. The number of persons in receipt of family income supplement at 31 December 2004 was 14,727, with an average weekly payment of €69.68. The number of persons who were in receipt of family
income supplement in each of the three previous years was: 2002 — 12,043; 2003 — 12,317 and 2004 — 14,727.

Over the past number of years, improvements to the scheme have been made, particularly with regard to the income limits that apply. This year, I provided for further increases in the family income supplement income limits with effect from January 2005. These increases raised the weekly limit by €39.00 at each point, adding an additional €24.00 to the payments of most existing family income supplement recipients. A minimum weekly rate of €20 applies.

Additionally, my Department undertakes a number of proactive measures to ensure that people are aware of possible entitlement to family income supplement. These include advice to all persons who are awarded one-parent family payment and back to work allowance recipients. All employers are provided annually with information about the scheme in PRSI mailshots.

Information on family income supplement is contained in all child benefit books and can be accessed on the Department’s website. The scheme has previously been extensively advertised through local and national media outlets, including newspapers and radio, as well as through poster campaigns and targeted mailshots. These methods of information provision will continue to be used to promote the scheme.

394. Mr. Durkan asked the Minister for Social and Family Affairs if he will consider increasing child benefit substantially to compensate for child care, in view of the fact that both parents may be in the workforce; and if he will make a statement on the matter. [24160/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department administers a number of child income support measures, including child benefit which delivers a standard rate of payment in respect of all children in a family regardless of income levels or employment status. Child benefit supports all children but delivers proportionately more assistance to those on low incomes and with larger families. It is not intended primarily to meet child care costs. However, the substantial increases in benefit in recent years can make a significant contribution to meeting those costs.

Since April 2005, monthly rates of child benefit have increased to €141.60 in respect of each of the first two children and €177.30 in respect of the third and subsequent children. Monthly rates of child benefit have increased by €103.51 at the lower rate and €127.78 at the higher rate since 1997, increases of 272% and 258% respectively. This level of increase is unprecedented and is in line with the Government’s objective of improving income for children generally. The question of further increases in child benefit would have to be considered in a budgetary context.

Officials from my Department have had discussions with the Departments of Justice, Equality and Law Reform, Health and Children, Education and Science and the Health Service Executive to identify and put in place suitable funding arrangements consistent with the limited, but socially important, responsibility which my Department currently has in this area.

395. Mr. Durkan asked the Minister for Social and Family Affairs the extent to which the number of recipients of rent allowance has increased and decreased; and if he will make a statement on the matter. [24161/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare division of the Health Service Executive, provides for the payment of a rent supplement to assist eligible people who are unable to provide for their immediate accommodation needs from their own resources and who do not have accommodation available to them from any other source. Details of recipients of rent supplement in each of the last five years and current recipients of rent supplement are set out in the following table.


<table>
<thead>
<tr>
<th>Year</th>
<th>Recipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>42,683</td>
</tr>
<tr>
<td>2001</td>
<td>45,028</td>
</tr>
<tr>
<td>2002</td>
<td>54,213</td>
</tr>
<tr>
<td>2003</td>
<td>59,976</td>
</tr>
<tr>
<td>2004</td>
<td>57,874</td>
</tr>
<tr>
<td>2005*</td>
<td>58,015</td>
</tr>
</tbody>
</table>

*As at 24 June 2005.

396. Mr. Durkan asked the Minister for Social and Family Affairs his proposals to improve or enhance payments of entitlements in respect of recipients of widow’s pension; and if he will make a statement on the matter. [24162/05]

Minister for Social and Family Affairs (Mr. Brennan): In recent years, the Government has introduced a number of specific measures which benefit widows and widowers. With regard to those who are over 66 years of age, the Government had committed to bringing their rate of payment into line with that of the old age contributory pension. This was achieved through a series of special increases in recent budgets and the process was completed in budget 2004.

The maximum rate of both old age and widow’s/widower’s contributory pension is now €179.30 per week. Overall, since 1997, this payment has increased by €89.02 or 98%. The increase in the consumer price index over the same period was 30.7%. Payments for those under 66 years increased by over 70% in the same period.

Widows and widowers are also benefiting from the changes in the household benefits scheme...
announced over a number of budgets. Under these arrangements, all persons aged over 70 years of age are now entitled to the full range of benefits, regardless of their means or household composition. Widows and widowers with dependent children can benefit from the widowed parent grant introduced in 2000 to provide additional assistance following a bereavement. The grant is currently valued at €2,700 and is paid in addition to the usual after death payments.

Increases in the rates of child benefit are also of benefit to widows and widowers with children. Since 1997, the monthly rates of child benefit have been increased dramatically. Since April, child benefit payments are €141.60 per month for each of the first and second children and €177.30 per month for the third and subsequent children.

Increases in payment supports for widows and widowers have more than covered increases in living costs in recent years. I will continue to look for opportunities to improve their position and, in this regard, the various provisions for widows and widowers under the social welfare code will be kept under review in a budgetary context.

397. Mr. Durkan asked the Minister for Social and Family Affairs when one-parent family allowance will be restored in the case of a person, details supplied, in County Kildare who has three dependent children and, contrary to his Department’s assertion, is not cohabiting; and if he will make a statement on the matter. [24164/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned had her entitlement to lone parent allowance terminated on the grounds of cohabitation. It is a condition for the receipt of lone parent allowance that the lone parent is not cohabiting, that is, living with someone as husband and wife. She subsequently appealed this decision to the social welfare appeals office. Following an oral hearing, the appeals officer upheld the decision of the deciding officer with regard to cohabitation.

If the circumstances of the person concerned have changed, it is open to her to re-apply for one-parent family payment. Under social welfare legislation, decisions with regard to claims must be made by deciding officers. Appeals against such decisions are decided by appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

398. Mr. Durkan asked the Minister for Social and Family Affairs if he will accept the previously agreed payment of €7.00 per week in respect of recoupment of overpayment in the case of a person, details supplied, in County Kildare; and if he will make a statement on the matter. [24166/05]

Minister for Social and Family Affairs (Mr. Brennan): As the Deputy is aware from my replies to previous Parliamentary Questions regarding this case, a significant overpayment of diet supplement arose because the person concerned did not notify the community welfare officer that he had commenced employment. The Dublin/mid-Leinster area of the Health Service Executive has advised that following protracted negotiations with the person concerned, a repayment schedule of €40 per month had been agreed to address the overpayment.

To date only one payment has been made by the person concerned and the executive has recently been in contact with him in an attempt to progress this matter. The specific recoupment arrangements in this case are a matter for resolution between the Health Service Executive and the person concerned.

399. Mr. Durkan asked the Minister for Social and Family Affairs the reason a person, details supplied, in County Dublin has been refused rent allowance; and if he will make a statement on the matter. [24167/05]

Minister for Social and Family Affairs (Mr. Brennan): The Dublin/mid-Leinster area of the Health Service Executive has advised that it referred the person concerned to her local authority for an assessment of her housing needs, following her application for rent supplement. The local authority advised the executive subsequently that the person concerned was assessed as not being in need of housing, as she has the option of living in the family home and is not at risk of homelessness. In the circumstances, she does not satisfy the statutory conditions for receipt of rent supplement. Her application was rejected by the executive on this basis.

As I stated in my reply to Parliamentary Question No. 397 of 21 June 2005, the executive has advised that it received an appeal in June from the person concerned against this decision regarding her rent supplement eligibility. She will be notified by the executive of the outcome of this appeal as soon as it is completed.

400. Mr. S. Ryan asked the Minister for Social and Family Affairs if he will address the anomalies in the treatment of certain claimants of deserted wife’s benefit (details supplied); if he will implement the necessary changes to ensure that the entitlements established during that period are maintained and preserved; if he will abolish the means test for the persons concerned and, furthermore, will he modify the existing scheme to enable persons who may exceed the present earning limit of €17,776.33 a year to receive a reduced rate of payment, to enable such persons to be eligible for deserted wife’s benefit should their earnings be reduced and come within the earning guidelines in future years. [24168/05]

Minister for Social and Family Affairs (Mr. Brennan): Deserted wife’s benefit is a payment made to a woman deserted by her husband. Entitlement to payment is based on social insurance contributions paid by the wife or her husband. An earnings limit was introduced for deserted wives benefit in 1992. The limit, which
applied only to new claims after August 1992, is currently €12,697.38 a year — gross earnings. Where earnings are in excess of €12,697.38 a year, there may be entitlement to a reduced rate of payment of deserted wife’s benefit, provided gross earnings do not exceed €17,776.33 a year.

Following the introduction of the one-parent family payment in 1997, the deserted wife’s benefit scheme was closed to new applications with effect from 2 January in that year. A parent with dependent children is eligible for benefits under the one-parent family payment scheme, irrespective of gender or the circumstances that gave rise to the lone parenthood. Lone parents are encouraged under the scheme to maximise their income from different sources and the means test for the scheme makes provision for the exemption of earnings and maintenance payments.

With regard to employment, lone parents may earn up to €146.50 per week without affecting their payment. Earnings above this limit are assessed at 50%, up to a maximum of €293.00 per week. In addition, transitional arrangements can apply for parents who have been in receipt of the one-parent family payment for more than a year. If these recipients’ weekly income exceeds the upper income limit, they can still retain half their payment for an additional six months. Lone parents are also eligible to avail of the full range of employment support schemes operated by my Department.

The schemes for deserted wives under social insurance have been retained to the extent that existing entitlements already acquired before August 1992, when the earnings limit was introduced for new claimants, and before 1997, when the one-parent family payment scheme was introduced, have been preserved. All new claimants, irrespective of gender or previous claims and entitlements, who seek income support as lone parents are treated equally under the terms of the one-parent family payment scheme.

401. Mr. Ring asked the Minister for Social and Family Affairs the regulation with regard to a person drawing unemployment benefit after receiving a redundancy payment; the guidelines for someone drawing unemployment benefit after receiving a redundancy payment; if he will provide a breakdown of any restrictions with regard to this scheme. [24170/05]

Minister for Social and Family Affairs (Mr. Brennan): Section 47(4) of the Social Welfare (Consolidation) Act 1993 sets out the circumstances under which a person may be disqualified from entitlement to unemployment benefit. One such circumstance relates to customers who receive a redundancy lump sum payment, which, in accordance with the terms of the Redundancy Payment Acts, is in excess of €19,046.07.

In accordance with this legislation, any person, provided he or she is under age 55, who has received a redundancy payment from his or her employer in excess of €19,046.07, shall be disqualified from receiving unemployment benefit for up to nine weeks from the last date of employment. The actual duration of the disqualification is a matter for the deciding officer but the guidelines recommend that the length of the disqualification be linked to the size of the redundancy payment in each case.

Certain payments are disregarded in determining the duration of the disqualification, for example, encashment of pension entitlements where the person has paid into an insurance fund on a voluntary basis, moneys paid in lieu of notice or accrued holiday entitlements. The guidelines also advise that in considering a unemployment benefit claim made by a person who has just been made redundant, account should be taken of a range of factors which could include, for example, the claimant’s age, family difficulties and so forth.

In addition, in cases where the customer intends to use some of the redundancy payment to clear or reduce debts which have accrued, deciding officers may offset these debts against the amount received before determining an appropriate period of disqualification, for example, arrears of mortgage or rent, arrears of telephone/electricity/gas bills and particularly debts to moneylenders. Regard may similarly be had to costs related to any exceptional needs.

402. Mr. Cregan asked the Minister for Social and Family Affairs the position for persons on social welfare payments who change the payment system from book to bank account and who feel they lose a week’s payment in the process; if he will report on the system; if a week’s loss will be avoided; and if the system will be changed to avoid the perception of loss. [24172/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department provides people receiving social welfare payments with a choice of payment options. People who choose payment of pensions by electronic fund transfer — EFT — to personal bank accounts do so on a voluntary basis. The majority of those who opt for the EFT facility do so at the start of their claim and are paid on a regular weekly basis once their claim is put into payment.

At present, customers who opt to change from payable order book to EFT move to a different payment cycle as a result. To address this issue, payments for pension customers paid by EFT were changed from two weeks to one week in arrears in November 2004. The full alignment of EFT payments with that of other payment methods, including the elimination of the week in arrears payment, is something which I am anxious to progress and the necessary arrangements will be made in the near future.

Question No. 403 answered with Question No. 29.

404. Mr. Cregan asked the Minister for Social and Family Affairs the situation with regard to
the granting of supplementary benefits by community welfare officers to immigrants and others in need; his views on the stories of persons obtaining grants towards purchasing cars and so on due to racist taunts on public transport; the number of times such grants were given; the number of times grants of over €1,000 were given for the purchase of cars or other transport means; the reason such perceptions still exist if they are not based on fact; and if special grants for immigrants on any social or cultural grounds are given. [24175/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme is administered on my behalf by the community welfare division of the Health Service Executive. The main objective of the scheme is to make up the difference between a person’s means and their needs. Where a person has access to resources, through the social welfare system or otherwise, the relevant legislation requires that this be taken into account in determining entitlement to supplementary welfare allowance.

From 10 April 2000, asylum seekers have been provided with full board accommodation, including meals and other services, under the direct provision system operated by the Department of Justice, Equality and Law Reform. In this situation, they receive a weekly allowance of €19.10 per adult and €9.60 per child to provide for personal requisites.

Asylum seekers who applied for asylum before 26 July 1999 but whose cases had not been decided and people who have been given permission to remain in Ireland on the basis of being the parent/s of Irish born children are entitled to seek employment. In addition, any person who has been through the asylum process and has been granted refugee status can also seek employment. If these people are unable to secure work, they will qualify for unemployment or other social assistance from my Department on the same basis as any Irish resident, subject to the normal eligibility conditions. Applications made after May 2004 are subject to the statutory habitual residence condition.

The executive has discretion, within the rules of the supplementary welfare allowance scheme, to make an exceptional needs payment to any person, including an asylum seeker, on a once-off basis if he or she has a special need or expense which he or she is unable to meet from his or her own resources. Such payments typically relate to public transport costs for interviews, equipment for a child, small household items and so forth.

I am aware that there have been stories from time to time that asylum seekers and refugees are in receipt of special payments through the supplementary welfare allowance scheme for high cost items such as cars. These reports are without foundation; in so far as it is possible to identify the individual cases about which the allegations were made, no such payments are, or have ever been, made for that purpose through the scheme or through any other social welfare support system. More generally, no special grants or payments are issued under the scheme to any group of people on social or cultural grounds.

With regard to these stories, it is relevant to note that the majority of non-nationals currently residing in the State are not asylum seekers or refugees. They are mainly EU citizens or people from other parts of the world who have been granted work permits and who are in employment. There are also significant numbers of non-nationals who are studying in this country. Whether studying or working, they are people with their own financial resources to meet their own needs with regard to their living expenses, accommodation, car purchase and so forth without any recourse to the social welfare system.

Unfounded racist stories or taunts of the sort referred to by the Deputy in his question are always unacceptable. They serve only to hinder the development of mutual understanding and acceptance among the increasingly diverse range of people that comprise Irish society today.


405. Mr. Cregan asked the Minister for Social and Family Affairs the situation with regard to policy and commitment to women over 65 years who have no payment or recognition for their years of work in the home; and if he will report on the system of credit stamps currently given to women taking time off from work to rear families; when this system was introduced; the system which can be introduced for women who provided such service prior to that; the number of spouses in receipt of the dependent adult allowance who receive the contributory old age pension; and the cost to give these spouses the full non-contributory pension. [24176/05]

Minister for Social and Family Affairs (Mr. Brennan): The homemaker’s scheme was introduced in 1994 to protect the pension entitlements of those who take time out of the paid workforce for caring duties. The scheme allows up to 20 years to be disregarded when a person’s insurance record is being averaged to assess entitlement for contributory pension purposes. The scheme will not of itself qualify a person for a pension as the standard qualifying conditions relating to the type and number of contributions paid or credited must also be satisfied.

The scheme was looked at in the context of a phase one review of qualifying conditions for old age contributory and retirement pensions. That review suggested a number of developments for the scheme, including backdating to an earlier date and replacing the disregard system with actual pension credits. The conclusions of that report are being examined in more detail but the suggestion with regard to backdating does give rise to significant costs as well as complex issues vis-à-vis other groups excluded from social insurance cover at different times.
The Government is committed to increasing the payment for qualified adults — age 66 years or over — to the same level as the personal rate of the old age non-contributory pension and a number of special increases have been given over several budgets in pursuit of this target. In addition, since October 2002, new pension claimants can opt to have the part of the payment in respect of their spouse or partner paid direct to that person.

At the end of 2004, there were 33,823 people aged 65 and over in receipt of a qualified adult allowance on either an old age contributory or retirement pension. The estimated cost of increasing the qualified adult allowance to the full rate of the non-contributory pension is €70 million.

The old age non-contributory pension is a social assistance scheme designed to provide financial support for all older people, whatever their circumstances, who do not qualify for one of the contributory pension schemes. In common with other social assistance schemes, it features a means test which is intended to ensure that available resources are targeted at those who are most in need. In this regard, budget 2005 provides for the disregard of the first €20,000 of savings or other assessable assets — such as shares or bonds — when means are being assessed. The operation of the means test is kept under review and changes are made as required.

**Appointments to State Boards.**

406. **Mr. Quinn** asked the Minister for Social and Family Affairs if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24183/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The five statutory agencies operating under the aegis of my Department are the Pensions Board, the Combat Poverty Agency, Comhairle, the Family Support Agency and the Social Welfare Tribunal. In addition, the Pensions Ombudsman comes under the remit of my Department.

The Pensions Board was established in December 1990 under the Pensions Act 1990. The role of the board is to monitor and supervise the provisions of the Pensions Acts, as amended, relating to occupational pensions and to advise the Minister on all matters relating to its functions and on matters relating to pensions generally. The current Pensions Board term of office will finish in December 2005. The method of selection to the board is mainly by nomination by representative bodies as laid down in the Pensions Act.

The Combat Poverty Agency was established in September 1986 under the Combat Poverty Agency Act 1986. The main functions of the agency are to advise the Minister for Social and Family Affairs on all aspects of economic and social planning with regard to poverty, to initiate and evaluate measures aimed at overcoming poverty and to promote greater public understanding of the nature, causes and extent of poverty and the measures necessary to overcome poverty. The term of office of the staff representative on the board of the Combat Poverty Agency is due to expire on 4 December 2005. The replacement will be selected by the staff of the agency. No other vacancies are expected between now and 31 December 2005.

Comhairle was established on 12 June 2000 under the provisions of the Comhairle Act 2000. Comhairle is responsible for supporting the provision of independent information, advice and advocacy services for citizens throughout the country, including people with disabilities. Seven vacancies fall due later this year as a result of these members reaching, including the chairman, the end of their term of office.

The Family Support Agency was established on 6 May 2003, under the Family Support Agency Act 2001. The remit of the agency is to provide a family mediation service; support, promote and develop the provision of marriage and relationship counselling and other family supports; support, promote and develop the family and community; undertake research, provide and
disseminate information about parenting and family issues and provide advice to the Minister on matters relating to its functions. There are no vacancies expected between now and 31 December 2005.

The Social Welfare Tribunal is a statutory body set up in 1982 to deal with cases where entitlement to unemployment benefit or unemployment assistance is refused due to an involvement in a trade dispute. The tribunal is an independent agency. The members are appointed by the Minister on foot of nominations by the Irish Congress of Trade Unions and the Irish Business Employers Confederation. There are no vacancies expected between now and 31 December 2005.

**Emergency Planning.**

408. Ms Enright asked the Minister for Transport if there is a serious incident plan available in the vicinity of Shannon Airport in the event of serious accident or attack; the capacity of this plan to cope with highly toxic and dangerous materials; and if he will make a statement on the matter. [23723/05]

Minister for Transport (Mr. Cullen): The authorities at Shannon Airport are required, under the Irish Aviation Authority’s aerodrome licensing procedures, to establish an emergency plan which provides for the co-ordination of the actions to be taken in an emergency occurring at the aerodrome or in its vicinity. The plan must be tested by conducting a full scale emergency exercise at intervals not exceeding two years and I understand that the next full exercise is planned for late 2005. I am also informed by the airport authorities that the emergency plans are linked to the mid-western regional plans of the Garda Síochána, Clare County Council and the Health Services Executive mid-west region in the event of any serious incident, including toxic and dangerous materials.

**Public Transport.**

409. Caoimhghín Ó Caoláin asked the Minister for Transport if Dublin Bus will ensure that it has sufficient stock to replace the recently failed private bus route from Howth Junction station to the airport. [23566/05]

Minister for Transport (Mr. Cullen): AerDart formally requested a temporary suspension of the route licence until such time as the DART upgrade works at Howth Junction DART station are completed. My Department agreed to the temporary suspension of the licence and it is now a matter for the company to notify my Department two weeks prior to the proposed date on which it has indicated it intends to reintroduce the licensed services following the completion of the DART upgrade works. To date, Dublin Bus has not notified the Department of its wish to operate this route.

**Parliamentary Questions.**

410. Mr. Kehoe asked the Minister for Transport when this Deputy will receive a reply to Parliamentary Question No. 225 of 22 June 2005; and if he will make a statement on the matter. [23651/05]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is being collated by officials in my Department and will be forwarded to him within the next few days. I regret the delay which arises from the necessity to collect and verify a range of details from 1997 and over a period when the functions of the Department changed.

**Alternative Energy Projects.**

411. Mr. Kehoe asked the Minister for Transport the steps taken by his Department for research into and development of hydrogen fuel cell technology as applied to motor vehicle transport in this country; and if he will make a statement on the matter. [23653/05]

Minister of State at the Department of Transport (Mr. Callely): My Department has not engaged in research and development of hydrogen fuel cell technology.

**Driving Tests.**

412. Mr. Penrose asked the Minister for Transport if he will expedite an application for a driving test by a person, details supplied, in County Westmeath who applied for same six months ago; and if he will make a statement on the matter. [23678/05]

Minister for Transport (Mr. Cullen): A driving test will be arranged in due course for the person concerned.

**Road Network.**

413. Mr. F. McGrath asked the Minister for Transport if he has satisfied himself with all safety plans for the port tunnel, especially at Fairview, Dublin 3; and the potential for flooding in this area. [23681/05]

Minister for Transport (Mr. Cullen): Safety issues at the Dublin Port tunnel are matters for the contractor, Dublin City Council, and the National Roads Authority — NRA. I am satisfied that in supervising the design and construction of the port tunnel, the NRA has been fully cognisant of the need to ensure the highest standard of safety provision and has taken account of the most up-to-date standards and codes of practice.

Safety has been a primary consideration in the development and implementation of the scheme.
A recent safety audit of the project confirms that the port tunnel complies in all respects with the requirements of the proposed EU directive on safety in road tunnels. The drainage provisions of the tunnel have been developed as part of the design and construction process to cater for the drainage requirements of the project. These provisions include drainage gullies and sumps, pumping equipment plus power and emergency power arrangements. These installations comply with the prevailing standards and address in full any flooding potential within the tunnel.

Public Transport.

414. Mr. F. McGrath asked the Minister for Transport if Bus Éireann school buses are tested for safety; if it is correct that its own mechanics will not sign testing forms giving clearance; and if he has satisfied himself that all school buses are safe for pupils. [23682/05]

Minister of State at the Department of Transport (Mr. Callely): Every vehicle used for the carriage of passengers for reward, including buses used in the school transport service, is subject to a range of safety measures that includes annual roadworthiness testing. In the case of vehicles with eight or more passenger seats, the roadworthiness tests are carried out by authorised testers appointed by local authorities under regulations made by the Minister for Transport.

The regulations transpose EU Directive 96/96 on periodic roadworthiness testing into Irish law. The regulations specify standards for premises, equipment and skills and training of vehicle testers. The items to be tested and the methods of testing are set out in the heavy goods vehicle testers manual or the manual covering light vehicles, as appropriate to the vehicle undergoing test.

In addition, vehicles with seats for more than eight passengers and that are used for the carriage of passengers for reward, including school buses, are subject to a range of other safety related measures that includes statutory standards covering construction, equipment, use, lighting, weights and dimensions, a maximum speed limit of 80 kph, mandatory fitment of a speed limiter device, controls on the numbers of passengers that may be carried and statutory vehicle and driver licensing requirements. These measures are intended to support the safe transport of passengers in buses.

The day-to-day operation of the school transport service is a matter for the Department of Education and Science working together with its service providers.

Road Network.

415. Mr. F. McGrath asked the Minister for Transport if he will give an update on the completion of the Dublin Port tunnel. [23683/05]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the Dublin Port Tunnel, is a matter for the National Roads Authority — NRA — and the local authorities concerned. I understand from the NRA that the primary construction work on the port tunnel is expected to be completed in December 2005 and that the tunnel will be open to traffic early in 2006, following commissioning of the tunnel’s operations and safety features.

Road Safety.

416. Mr. Broughan asked the Minister for Transport if he has plans to introduce tachographs or black box type technology into passenger vehicles operated by public and private bus operators. [23904/05]

Minister of State at the Department of Transport (Mr. Callely): Tachograph recording equipment in passenger vehicles is regulated under the Council Regulations (EEC) No. 3820/85 and Council Regulation (EEC) No. 3821/85 and also S.I. No. 392 and 393 of 1986. These regulations are enforced in respect of buses with a seating capacity of more than 17 persons, including the driver. There are, however, a number of exemptions under both EU regulations, including an exemption for buses on routes which do not exceed 50 kilometres.

The basic EU rules provide that: after four and a half hours of driving, a driver must take a break of at least 45 minutes; a daily driving period shall not exceed nine hours but may be extended twice in any one week to a maximum of ten hours; in each period of 24 hours, a driver must have a daily rest period of at least 11 consecutive hours and after six days driving, a driver must observe a weekly rest period of 45 hours.

Tachograph paper based record sheets are used daily by the driver and these record the hours driven, breaks and rest periods. These record sheets are inspected on a regular basis by inspectors from my Department. The enforcement occurs at the premises of operators and at roadside checks. Both operators and drivers have a responsibility to ensure compliance with the regulations and both are prosecuted in the case of non-compliance on drivers’ hours.

Passenger vehicles that do not come within the scope of the above regulations are covered by section 114 of the Road Transport Act 1961, No. 24 of 1961, and also article 15 of the Road Traffic (Public Service Vehicles) Regulations 1963, S.I. No. 191 of 1963, applies. These regulations are enforced by the Garda and provide that: a driver shall observe a break of 30 minutes after five and a half hours of driving; it prescribes a driving time of 11 hours and a rest period of ten hours in each period of 24 hours and the regulations of 1963 state that a driver shall observe a weekly rest
Minister for Transport (Mr. Cullen): In the coming months, Iarnród Éireann will take delivery of new diesel railcars, which, following a period of commissioning will be introduced into service on the Sligo to Dublin line. When introduced on the Sligo line, they will replace the 30 year old life expired locomotive hauled carriages. From December 2005, the company will increase the frequency of trains between Sligo and Dublin from the current three per day in each direction to five per day in each direction.

To prepare the way for the introduction of the new rolling stock and the more frequent train service, the infrastructure and stations along the line are being substantially upgraded. All the track on the line has now been relaid with continuous welded rail, the signalling system is currently being renewed with new computer controlled equipment, and each of the stations is being provided with upgraded platforms in line with current safety standards. In total €150 million will have been expended on track, platforms, signalling, stations and trains on the Sligo line by the time the new services commence this coming December.

Public Transport.

Mr. Crowe asked the Minister for Transport is he has satisfied himself that the best practices in terms of ensuring passenger and driver safety are being followed on public transport buses; if he has had any communications on these issues; and if he will make a statement on the matter. [23910/05]

Minister for Transport (Mr. Cullen): An extensive range of requirements must be satisfied in order to use a bus in a public place. All buses are required to comply with statutory requirements relating to the construction, equipment and use of vehicles as set out in the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002, the Road Traffic (Construction and Use of Vehicles) Regulations 2003 to 2004 and the Road Traffic (Lighting of Vehicles) Regulations 1963 to 1996.

Safety standards applied under these regulations relate, inter alia, to maximum passenger accommodation including the circumstances where standing passengers may be carried, maximum dimensions, overall vehicle weight and axle weight limits and the fitment of speed limiters. Notwithstanding the general speed limits that apply to vehicles, single deck buses are subject to a maximum speed limit of 80 km/h with double deck buses subject to a maximum speed of 65 km/h. Buses over one year old are liable to annual roadworthiness testing in accordance with the European Communities (Vehicle Testing) Regulations 2004.

In order for a private bus operator to operate a passenger road service, the operator must hold a passenger licence issued by my Department in accordance with the Road Transport Act 1932. One of the requirements to be satisfied for such a licence is that each bus to be used on the proposed route is licensed as a large public service vehicle in accordance with the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002.

Tachograph recording equipment in passenger vehicles comes under the Council Regulations (EEC) Nos. 3820/85 and 3821/85 and also Statutory Instruments Nos. 392 and 393 of 1986. These regulations are enforced in respect of buses with a seating capacity of more than 17 persons including the driver. Tachograph record-sheets are used daily by the driver and these record the hours driven, breaks and rest periods.

The basic rules provide that after four and a half hours driving, a driver must take a break of at least 45 minutes. A daily driving period shall not exceed nine hours but may be extended twice in any one week to a maximum of 10 hours. In each period of 24 hours, a driver must have a daily rest period of at least 11 consecutive hours. After six days driving a driver must observe a weekly rest period of 45 hours. The tachograph record-sheets are inspected on a regular basis by inspectors from my Department. The enforcement occurs at the premises of operators and at roadside checks. Both operators and drivers have a responsibility to ensure compliance with the regulations and both are prosecuted in the case of non-compliance on drivers hours.

All other passenger vehicles that do not come within the scope of the above regulations are covered by section 114 of the Road Traffic Act 1961 and also article 15 of the Road Traffic (Public Service Vehicles) Regulations 1963 applies. These regulations are enforced by the Garda and provide that a driver shall observe a break of 30 minutes after five and a half hours driving and a driving time of 11 hours and a rest period of ten hours must be observed in each period of 24 hours. In accordance with regulations of 1963, a driver must observe a weekly
rest period of 24 hours after each period of seven
days driving.

Bus Éireann and Bus Átha Cliath have con-
firmed to my Department that they comply fully
with all relevant legislation on drivers, vehicles
and health and safety. As with all matters of
public importance, my Department receives cor-
respondence concerning these issues from time to
time. I am, however, satisfied that the aforemen-
tioned regulations and controls provide a frame-
work for a safe, convenient and comfortable bus
transport system for both passengers and drivers.

Taxi Hardship Panel.

419. Mr. Gregory asked the Minister for Trans-
port if he will request the taxi hardship fund to
further review the appeal of a person (details
supplied); and if he will make a statement on the
matter. [23911/05]

Minister for Transport (Mr. Cullen): Area
Development Management Limited is adminis-
tering and managing the taxi hardship payments
scheme which is implementing the recommend-
ations of the taxi hardship panel report. The pro-
cessing and consideration of applications under
the scheme is being undertaken by ADM inde-
pendently of my Department and the Depart-
ment has no details of individual applications
made to ADM under the scheme. I have no role
in the review of applications or appeal decisions
under the scheme.

Road Safety.

420. Ms Shortall asked the Minister for Trans-
port further to his reply to the Adjournment De-
bate of 23 June 2005 regarding the driver test-
ing centre in Finglas, Dublin 11, if his attention
has been drawn to the fact that there is a HGV
ban on all of the roads surrounding this test
centre; that the proposed truck testing will not
involve any driving on local roads; if he will
reconsider this location in view of the highly resi-
dential nature of this area; and if he will make a
statement on the matter. [23913/05]

Minister for Transport (Mr. Cullen): Driving
tests for the full range of vehicles are carried out
in the Finglas driving test centre, which is located
in an industrial estate. While I am aware of the
three tonne restriction on HGVs on a certain
roads near the centre I am informed by Dublin
City Council that there is not a currently general
ban on HGVs in the area.

Public Transport.

421. Ms Shortall asked the Minister for Trans-
port, further to a recent interview of his (details
supplied), the details of his proposals for a Dublin
transport authority; the statutory powers which
this body would have; the democratic account-
ability which it would have; when he proposes to
introduce legislation to establish such a body; and
if he will make a statement on the matter. [23914/05]

Minister for Transport (Mr. Cullen): I am com-
mitted to reforming the public transport market
in order to provide opportunities for both public
and private companies to deliver increased public
services and to ensure the taxpayer and the cus-
tomer gets a high quality of service and best value
for money. To this end, I propose to establish an
independent national public transport com-
mission to, inter alia, allocate Exchequer subven-
tion for public transport services, both bus and
rail, through public service contracts, license com-
mercial bus services and regulate fares on all rail,
LUAS and bus services.

In addition to modernising the regulatory
framework, I am currently finalising plans for a
major programme of investment in public trans-
port and am considering the structures and
arrangements which will need to be put in place
to ensure that the best possible return is achieved
from this investment. In this context, I am giving
consideration to the institutional structure
required to ensure the timely, coordinated and
integrated delivery of public transport investment
in the greater Dublin area.

Work will continue in my Department to iden-
tify the best way forward, including the most
appropriate arrangements to ensure democratic
accountability. However, I envisage that what-
ever arrangements are put in place will work
effectively with the proposed national public
transport commission. I should add that oper-
atational planning of services will remain with the
public transport providers. Officials in my
Department are continuing to meet with stake-
holders on how to modernise the regulatory
structure governing public transport.

Road Traffic Offences.

422. Ms Shortall asked the Minister for Trans-
port further to Parliamentary Questions Nos. 40
and 47 of 22 June 2005, the legislative reforms
he intends to introduce to counter the numerous
successful challenges to road traffic legislation in
the courts; when this will happen; and when ran-
dom breath testing will be provided for in legis-
lation. [23917/05]

Minister for Transport (Mr. Cullen): As I indi-
cated in response to the earlier questions, the cur-
rent road safety strategy recommends that the
introduction of random breath testing should be
pursued within its operational time frame of 2004
to 2006. Against that background I am examining
the development of a scheme for a more general
basis for roadside testing. The evolution of road
traffic legislation is affected by numerous factors,
including the outcome of relevant court pro-
cedings.
[Mr. Cullen.]

Allowing for the operation of full random breath testing needs to be considered very carefully. Road traffic legislation, including drink driving legislation, is subjected to challenge from time to time and the interpretation of legislative provisions is ultimately a matter for the courts. As a legislator, I have to seek to ensure that road traffic legislation is sound, robust and reasonable. It is for this reason that I do not intend to pursue any policy initiative in the area of random breath testing until I am satisfied that a more generally applied system of roadside testing provides clear potential for improving road safety on a sustained basis for the future.

In the meantime the Garda is now empowered to require that all drivers involved in road collisions or detected committing any traffic offences must submit to road-side breath tests. This is in addition to the power to demand that a driver who in the opinion of a garda has consumed alcohol must submit to such a test.

**Road Safety.**

423. Ms Shortall asked the Minister for Transport the reasons he has to date refused to meet an organisation (details supplied) to discuss road safety and cycling promotion; the reason he has not replied to three letters from the organisation since 1 February 2005; and if he will make a statement on the matter. [23918/05]

Minister for Transport (Mr. Cullen): I received correspondence from the Irish Cycling Campaign requesting a meeting to discuss transport policy and its impact on cyclists. A reply to their request was issued on 18 April 2005 stating that officials from my Department are available for an initial meeting with Irish Cycling Campaign. Further correspondence was issued on 23 June 2005 suggesting that the Irish Cycling Campaign contact relevant officials to arrange the meeting. The Irish Cycling Campaign contacted officials in my Department on the issue on 28 June 2005. Arrangements for a meeting to discuss the issues that come within the remit of my Department are currently being made.

**Public Transport.**

424. Mr. Gilmore asked the Minister for Transport the total amount spent by the State in public transport over the past five years, broken down by year and by project; the total amount spent on road building by the State for each year in the past five years; and the number and percentage of cars here that are either electric or hybrid electric. [23919/05]

Minister for Transport (Mr. Cullen): The information sought by the Deputy is set out in the following tables.

<table>
<thead>
<tr>
<th>Project</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>€m</td>
<td>€m</td>
<td>€m</td>
<td>€m</td>
<td>€m</td>
<td>€m</td>
</tr>
<tr>
<td>Road Improvement</td>
<td>622.2</td>
<td>908.2</td>
<td>1,083.5</td>
<td>1,169.4</td>
<td>1,178.9</td>
<td>4,962.2</td>
</tr>
<tr>
<td>Luas</td>
<td>71</td>
<td>127</td>
<td>127</td>
<td>129</td>
<td>130</td>
<td>584</td>
</tr>
<tr>
<td>Railway Safety</td>
<td>123.86</td>
<td>148.45</td>
<td>127.16</td>
<td>103.94</td>
<td>86.71</td>
<td>590.12</td>
</tr>
<tr>
<td>Rolling Stock</td>
<td>23.56</td>
<td>5.59</td>
<td>62.52</td>
<td>88.28</td>
<td>76.25</td>
<td>256.2</td>
</tr>
<tr>
<td>Iarnród Éireann Projects</td>
<td>5.83</td>
<td>21.82</td>
<td>42.87</td>
<td>82.4</td>
<td>79.55</td>
<td>232.47</td>
</tr>
<tr>
<td>Dublin Bus Projects</td>
<td>22.53</td>
<td>22.06</td>
<td>28.01</td>
<td>12.69</td>
<td>5.01</td>
<td>90.3</td>
</tr>
<tr>
<td>Bus Éireann Projects</td>
<td>6.48</td>
<td>19.9</td>
<td>2.81</td>
<td>9.57</td>
<td>3.33</td>
<td>42.09</td>
</tr>
<tr>
<td>Other Public Transport Projects</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5.49</td>
<td>9.49</td>
<td>14.98</td>
</tr>
<tr>
<td>Accessibility</td>
<td>0</td>
<td>0</td>
<td>2.1</td>
<td>2.48</td>
<td>3</td>
<td>7.58</td>
</tr>
<tr>
<td>Integrated Ticketing</td>
<td>0</td>
<td>0</td>
<td>0.35</td>
<td>1.87</td>
<td>3.61</td>
<td>5.83</td>
</tr>
<tr>
<td>Rural Transport Initiative</td>
<td>0</td>
<td>0.17</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>9.17</td>
</tr>
<tr>
<td>Transport Interchanges</td>
<td>0</td>
<td>0</td>
<td>0.12</td>
<td>0.78</td>
<td>0.1</td>
<td>0.9</td>
</tr>
<tr>
<td>Research</td>
<td>0</td>
<td>0</td>
<td>0.1</td>
<td>0.2</td>
<td>0.1</td>
<td>0.4</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>18.12</td>
<td>23.48</td>
<td>15.04</td>
<td>18.72</td>
<td>27.9</td>
<td>103.26</td>
</tr>
</tbody>
</table>

The position on electric or hybrid electric cars is set out below.

<table>
<thead>
<tr>
<th>Type of Fuel</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric</td>
<td>70 (0.0058%)</td>
<td>88 (0.0045%)</td>
<td>90 (0.0044%)</td>
</tr>
<tr>
<td>Petrol/Electric</td>
<td>8 (0.0004%)</td>
<td>12 (0.0006%)</td>
<td>248 (0.0122%)</td>
</tr>
</tbody>
</table>

| Total Vehicles | 1,850,046  | 1,937,429  | 2,036,307  |
Departmental Budget.

425. Mr. Kenny asked the Minister for Transport the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23980/05]

Minister for Transport (Mr. Cullen): A provisional total of €1.991 million from the Department’s 2004 allocation of €1.981 billion was returned to the Department of Finance at the end of 2004. The amount returned represents 0.1% of the Department’s Vote. Details of the subheads are set out in the following table.

<table>
<thead>
<tr>
<th>Subhead</th>
<th>€000’s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subhead A7 — Consultancies</td>
<td>154</td>
</tr>
<tr>
<td>Subhead B2 — Road Haulage Development Programme</td>
<td>7</td>
</tr>
<tr>
<td>Subhead B3 — Vehicle &amp; Driver Licensing Expenses</td>
<td>17</td>
</tr>
<tr>
<td>Subhead B4 — Other Roads &amp; Related Services</td>
<td>666</td>
</tr>
<tr>
<td>Subhead C2 — Public Transport Projects</td>
<td>2</td>
</tr>
<tr>
<td>Subhead C3 — Expenses Dublin Light Rail</td>
<td>882</td>
</tr>
<tr>
<td>Subhead C5 — Public Transport Safety &amp; Development</td>
<td>14</td>
</tr>
<tr>
<td>Subhead C7 — Expenses for Railway Procurement Agency</td>
<td>217</td>
</tr>
<tr>
<td>Subhead C8 — Dublin Transportation</td>
<td>16</td>
</tr>
<tr>
<td>Subhead D1 — Aircraft Accident Insurance</td>
<td>168</td>
</tr>
<tr>
<td>Subhead D2 — Regional Airports</td>
<td>16</td>
</tr>
<tr>
<td>Subhead D4 — Miscellaneous Aviation Services</td>
<td>2</td>
</tr>
<tr>
<td>Subhead E2 — Miscellaneous Services</td>
<td>7</td>
</tr>
</tbody>
</table>

Gross Total: 2,168

Less shortfall on Appropriations in Aid: 177

Net Total: 1,991

Pension Provisions.

426. Mr. Cregan asked the Minister for Transport if the deficiency in the Aer Lingus pension fund for existing pensioners, who received annual increases far below the equivalent of other semi-State employees, will be corrected with a substantial transfer of financial resources into the pension fund from the proposed future partial privatisation; and if he will make a statement on the matter. [23998/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to Parliamentary Questions Nos. 467 and 475 of 28 June 2005. I accepted a letter from the retired aviation staff association yesterday afternoon following their demonstration to Dáil Éireann which I will be considering. I also expressed a willingness to have a further meeting with the association.

Vehicle Safety.

427. Mr. Cregan asked the Minister for Transport the checks or requirements regarding the drivers and vehicles of full size private hire buses; the organisation which checks on the roadworthiness of such vehicles; if they are subject to annual NCT tests or the equivalent; if such evidence should be available to clients hiring a bus; and the person who checks on concerns or reports of clients after use. [24000/05]

Minister for Transport (Mr. Cullen): Every vehicle used for the carriage of passengers for reward is subject to a range of safety measures that includes annual roadworthiness testing. In the case of vehicles with eight or more passenger seats, the roadworthiness tests are carried out by authorised testers appointed by local authorities under regulations made by the Minister for Transport. The regulations transpose EU Directive 96/96 on periodic roadworthiness testing into Irish law. The regulations specify standards for premises, equipment and skills and training of vehicle testers. The items to be tested and the methods of testing are set out in the heavy goods vehicle testers manual or the manual covering light vehicles, as appropriate to the vehicle undergoing test.

Vehicles with seats for more than eight passengers used for the carriage of passengers for reward are subject to a range of other safety-related measures that includes statutory standards covering construction, equipment, use, lighting, weights and dimensions, a maximum speed limit of 80 km/h, mandatory fitment of a speed limiter device, controls on the numbers of passengers that may be carried, vehicle licensing requirements under the Road Transport Act 1932, driver licensing requirements under the Road Transport Act 1932 and the Road Traffic
Acts 1961 to 2004, including maximum permissible driving times.

It is not obligatory for a transport operator to provide evidence of a roadworthiness certificate in respect of a vehicle to a person seeking to hire the vehicle. However, there would not appear to be a good reason for the operator to decline to provide such evidence if so requested by the hirer.

Official Languages Act.

428. Mr. O’Shea asked the Minister for Transport the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24014/05]

Minister for Transport (Mr. Cullen): My Department has spent approximately €10,000 on the implementation of the Official Languages Act 2003 to date in 2005. A provisional estimate for translation services for the remainder of 2005 is €12,000. However, this amount may vary depending on the number and length of documents to be translated. It is difficult to give a precise estimate of the total amount that will be spent on all elements relating to the Official Languages Act for the remainder of 2005 as this is dependant on various factors.

Archaeological Sites.

429. Mr. Cuffe asked the Minister for Transport his views on the progress which has been made with the announcement on 16 September 2002 that he would examine the potential for the location of an archaeological heritage park at the Carrickmines castle site in Dún Laoghaire-Rathdown. [24073/05]

Minister for Transport (Mr. Cullen): Following ongoing consultations in August and September 2002 regarding the Carrickmines site, it has been agreed that the National Roads Authority and Dún Laoghaire-Rathdown County Council would examine the potential for the location of an archaeological heritage park at the Carrickmines castle site.

Archeological work is continuing on the site and examination of the potential for the location of an archaeological park will be considered within the context of the conservation plan which will be completed in due course by Dún Laoghaire-Rathdown County Council and forwarded to the national monuments section of the Department of the Environment, Heritage and Local Government.

Public Transport.

430. Mr. Cuffe asked the Minister for Transport the total number of buses in the Dublin Bus fleet in each of the past five years; and if he will make a statement on the matter. [24074/05]

Minister for Transport (Mr. Cullen): I have been advised by Dublin Bus that the total number of buses in the Dublin Bus fleet in each of the past five years is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Buses</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>1,039</td>
</tr>
<tr>
<td>2001</td>
<td>1,062</td>
</tr>
<tr>
<td>2002</td>
<td>1,062</td>
</tr>
<tr>
<td>2003</td>
<td>1,062</td>
</tr>
<tr>
<td>2004</td>
<td>1,062</td>
</tr>
</tbody>
</table>

While the number of buses in the fleet has remained static at 1,062 since 2001, the company has replaced mini and single deck buses with higher capacity double deck buses, thus increasing the overall passenger carrying capacity of the fleet.

431. Mr. Cuffe asked the Minister for Transport if he will make a statement on the DART upgrading project; and the increase in capacity, frequency and hours of service that will occur, together with costings and a timetable for the completion of works. [24075/05]

Minister for Transport (Mr. Cullen): Iarnród Éireann has informed me that the DART upgrade project, at €176 million, is the largest investment in Iarnród Éireann’s Dublin rail services since the DART services began in 1984, and will deliver a 33% increase in peak capacity on the service by the end of this year, completing a process which will have seen peak capacity on the service doubled since 2000.

This is being achieved through lengthening platforms to accommodate eight car trains, renewing overhead lines, enhancing the power supply to operate eight car trains, developing sidings to accommodate the expanded fleet, and improving accessibility in stations both for mobility-impaired customers and rail customers generally. In addition to the DART Upgrade project, €80 million has been spent on 40 new DART carriages to allow eight car trains to operate.

Works have been taking place across the DART system since October 2003. In order to minimise the impact on customers, and ensure that the core Monday to Friday service was unaffected, whilst delivering the urgently needed additional capacity as soon as possible, Iarnród Éireann designed the work programme to ensure that interruptions to services were confined to weekends, which is off-peak for the DART.

Existing weekend works on the southside will be completed by mid-September 2005. The cur-
rent phase of the DART upgrade works which will deliver the facilities for new services are anticipated to be completed by the end of 2005, with completion of minor works and tidy up during January 2006. While allowing for this substantial increase in capacity on each train, this phase of the project will not, and was not intended to, change the frequency or hours of service of the DART trains.

432. Mr. Cuffe asked the Minister for Transport if he has plans to change the regulations in regard to bicycles being allowed on LUAS tracks in central Dublin in order that cyclists can avoid being exposed to unacceptable levels of risk on the Liffey Quays; and if he will make a statement on the matter. [24076/05]

Minister for Transport (Mr. Cullen): I do not have any plans to amend the present road traffic regulations for cyclists and LUAS tracks.

Decentralisation Programme.

433. Mr. Naughten asked the Minister for Transport the timetable for the decentralisation of the NRA and the Railway Safety Commission to Ballinasloe; and if he will make a statement on the matter. [24089/05]

Minister for Transport (Mr. Cullen): The National Roads Authority and the Railway Safety Commission are not being identified as early movers by the decentralisation implementation group. The two agencies are currently working to update their implementation plans and they are due to be completed shortly. Both agencies have recently completed staff accommodation schedules for the OPW and a site identification visit is being organized.

Driving Tests.

434. Mr. Naughten asked the Minister for Transport the waiting time for a driving test at each test centre; the number of applicants awaiting a test at each centre; the current pass rate at each centre; the current number of driving testers, supervisors and vacancies; and if he will make a statement on the matter. [24090/05]

Minister for Transport (Mr. Cullen): Table 1 sets out the numbers waiting and the average waiting time for a test at each test centre. Table 2 sets out the pass rate at each test centre for 2004. There are currently 116 driver testers, ten Supervisors and one chief tester employed by my Department. In addition there are nine driver tester vacancies. Arrangements are being made to recruit additional driver testers.

Table 1

<table>
<thead>
<tr>
<th>Centre</th>
<th>Applications on Hand</th>
<th>Average Weeks Waiting</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North Leinster</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finglas</td>
<td>10,742</td>
<td>28</td>
</tr>
<tr>
<td>Dundalk</td>
<td>3,350</td>
<td>26</td>
</tr>
<tr>
<td>Mullingar</td>
<td>1,981</td>
<td>26</td>
</tr>
<tr>
<td>Navan</td>
<td>4,618</td>
<td>31</td>
</tr>
<tr>
<td>Raheny</td>
<td>7,984</td>
<td>45</td>
</tr>
<tr>
<td><strong>South Leinster</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Churchtown/Rathgar</td>
<td>11,884</td>
<td>40</td>
</tr>
<tr>
<td>Gorey</td>
<td>2,489</td>
<td>44</td>
</tr>
<tr>
<td>Naas</td>
<td>5,239</td>
<td>29</td>
</tr>
<tr>
<td>Tullamore</td>
<td>2,023</td>
<td>34</td>
</tr>
<tr>
<td>Wicklow</td>
<td>2,665</td>
<td>45</td>
</tr>
<tr>
<td>Tallaght</td>
<td>9,416</td>
<td>35</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athlone</td>
<td>1,206</td>
<td>27</td>
</tr>
<tr>
<td>Birr</td>
<td>1,288</td>
<td>25</td>
</tr>
<tr>
<td>Castlebar</td>
<td>2,199</td>
<td>30</td>
</tr>
<tr>
<td>Clifden</td>
<td>396</td>
<td>21</td>
</tr>
<tr>
<td>Ennis</td>
<td>1,293</td>
<td>18</td>
</tr>
<tr>
<td>Galway</td>
<td>3,251</td>
<td>27</td>
</tr>
<tr>
<td>Loughrea</td>
<td>1,136</td>
<td>15</td>
</tr>
<tr>
<td>Roscommon</td>
<td>949</td>
<td>15</td>
</tr>
<tr>
<td>Tuam</td>
<td>1,186</td>
<td>21</td>
</tr>
<tr>
<td><strong>North West</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballina</td>
<td>1,146</td>
<td>26</td>
</tr>
<tr>
<td>Buncrana</td>
<td>767</td>
<td>34</td>
</tr>
<tr>
<td>Carrick-on-Shannon</td>
<td>943</td>
<td>21</td>
</tr>
<tr>
<td>Cavan</td>
<td>1,687</td>
<td>26</td>
</tr>
<tr>
<td>Donegal</td>
<td>1,205</td>
<td>32</td>
</tr>
<tr>
<td>Letterkenny</td>
<td>2,340</td>
<td>37</td>
</tr>
<tr>
<td>Longford</td>
<td>954</td>
<td>24</td>
</tr>
<tr>
<td>Monaghan</td>
<td>1,317</td>
<td>23</td>
</tr>
<tr>
<td>Sligo</td>
<td>1,664</td>
<td>30</td>
</tr>
<tr>
<td><strong>South East</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carlow</td>
<td>2,498</td>
<td>37</td>
</tr>
<tr>
<td>Clonmel</td>
<td>2,190</td>
<td>32</td>
</tr>
<tr>
<td>Dungarvan</td>
<td>1,650</td>
<td>41</td>
</tr>
<tr>
<td>Kilkenny</td>
<td>2,200</td>
<td>31</td>
</tr>
<tr>
<td>Nenagh</td>
<td>923</td>
<td>48</td>
</tr>
<tr>
<td>Portlaoise</td>
<td>1,689</td>
<td>42</td>
</tr>
<tr>
<td>Thurles</td>
<td>1,316</td>
<td>38</td>
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<tr>
<td>Tipperary</td>
<td>1,173</td>
<td>29</td>
</tr>
<tr>
<td>Waterford</td>
<td>3,029</td>
<td>31</td>
</tr>
<tr>
<td>Wexford</td>
<td>2,503</td>
<td>29</td>
</tr>
<tr>
<td><strong>Sth West</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cork</td>
<td>7,334</td>
<td>25</td>
</tr>
<tr>
<td>Killarney</td>
<td>2,315</td>
<td>29</td>
</tr>
<tr>
<td>Kilrush</td>
<td>502</td>
<td>25</td>
</tr>
<tr>
<td>Limerick</td>
<td>4,067</td>
<td>26</td>
</tr>
<tr>
<td>Mallow</td>
<td>2,195</td>
<td>28</td>
</tr>
<tr>
<td>Newcastle West</td>
<td>1,838</td>
<td>30</td>
</tr>
<tr>
<td>Shannon</td>
<td>911</td>
<td>21</td>
</tr>
<tr>
<td>Skibbereen</td>
<td>2,143</td>
<td>37</td>
</tr>
<tr>
<td>Tralee</td>
<td>1,753</td>
<td>21</td>
</tr>
</tbody>
</table>
Mr. Cullen.

Table 2.

<table>
<thead>
<tr>
<th>Centre</th>
<th>% Pass</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athlone</td>
<td>59.5</td>
</tr>
<tr>
<td>Ballina</td>
<td>62.4</td>
</tr>
<tr>
<td>Birr</td>
<td>64.7</td>
</tr>
<tr>
<td>Buncrana</td>
<td>63.5</td>
</tr>
<tr>
<td>Carlow</td>
<td>50.0</td>
</tr>
<tr>
<td>Carrick-on-Shannon</td>
<td>55.5</td>
</tr>
<tr>
<td>Castlebar</td>
<td>63.0</td>
</tr>
<tr>
<td>Cavan</td>
<td>48.3</td>
</tr>
<tr>
<td>Churchtown</td>
<td>47.5</td>
</tr>
<tr>
<td>Clifden</td>
<td>59.3</td>
</tr>
<tr>
<td>Clonmel</td>
<td>51.5</td>
</tr>
<tr>
<td>Cork</td>
<td>55.5</td>
</tr>
<tr>
<td>Donegal</td>
<td>56.7</td>
</tr>
<tr>
<td>Dundalk</td>
<td>53.0</td>
</tr>
<tr>
<td>Dungarvan</td>
<td>60.8</td>
</tr>
<tr>
<td>Ennis</td>
<td>62.7</td>
</tr>
<tr>
<td>Finglas</td>
<td>47.8</td>
</tr>
<tr>
<td>Galway</td>
<td>61.8</td>
</tr>
<tr>
<td>Gorey</td>
<td>48.6</td>
</tr>
<tr>
<td>Kilkenny</td>
<td>55.1</td>
</tr>
<tr>
<td>Killarney</td>
<td>59.2</td>
</tr>
<tr>
<td>Kilrush</td>
<td>61.4</td>
</tr>
<tr>
<td>Letterkenny</td>
<td>56.8</td>
</tr>
<tr>
<td>Limerick</td>
<td>61.9</td>
</tr>
<tr>
<td>Longford</td>
<td>52.7</td>
</tr>
<tr>
<td>Loughrea</td>
<td>61.4</td>
</tr>
<tr>
<td>Mallow</td>
<td>56.9</td>
</tr>
<tr>
<td>Monaghan</td>
<td>47.7</td>
</tr>
<tr>
<td>Mullingar</td>
<td>55.8</td>
</tr>
<tr>
<td>Naas</td>
<td>51.9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Centre</th>
<th>% Pass</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navan</td>
<td>56.1</td>
</tr>
<tr>
<td>Nenagh</td>
<td>53.3</td>
</tr>
<tr>
<td>Newcastle West</td>
<td>60.4</td>
</tr>
<tr>
<td>Portlaoise</td>
<td>53.3</td>
</tr>
<tr>
<td>Raheny</td>
<td>52.4</td>
</tr>
<tr>
<td>Rathgar</td>
<td>41.3</td>
</tr>
<tr>
<td>Roscommon</td>
<td>62.0</td>
</tr>
<tr>
<td>Shannon</td>
<td>64.4</td>
</tr>
<tr>
<td>Skibbereen</td>
<td>61.6</td>
</tr>
<tr>
<td>Sligo</td>
<td>63.2</td>
</tr>
<tr>
<td>Tallaght</td>
<td>48.3</td>
</tr>
<tr>
<td>Thurlies</td>
<td>53.6</td>
</tr>
<tr>
<td>Tipperary</td>
<td>48.9</td>
</tr>
<tr>
<td>Tralee</td>
<td>57.0</td>
</tr>
<tr>
<td>Tuam</td>
<td>64.4</td>
</tr>
<tr>
<td>Tullamore</td>
<td>49.4</td>
</tr>
<tr>
<td>Waterford</td>
<td>55.7</td>
</tr>
<tr>
<td>Wexford</td>
<td>53.7</td>
</tr>
<tr>
<td>Wicklow</td>
<td>44.7</td>
</tr>
</tbody>
</table>

**Overall Total** 54.0

**Appointments to State Boards.**

435. Mr. Quinn asked the Minister for Transport if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24184/05]

Minister for Transport (Mr. Cullen): The information requested by the Deputy regarding vacancies on State boards is on the following table. All vacancies will be filled as soon as possible.

<table>
<thead>
<tr>
<th>Board</th>
<th>Current Vacancies</th>
<th>Reason for Vacancies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aer Lingus</td>
<td>3</td>
<td>Resignations</td>
</tr>
<tr>
<td>Shannon Airport Authority</td>
<td>1</td>
<td>This vacancy is being reserved for the Chief Executives of these authorities who, when appointed, will be ex-officio directors of the boards of their respective airport authorities in accordance with sections 22 and 29 of the Air Navigation and Transport (Amendment) Act 1998 as amended by paragraphs 9 and 14 respectively of the Schedule to the State Airports Act 2004.</td>
</tr>
<tr>
<td>Cork Airport Authority</td>
<td>1</td>
<td>(See Above)</td>
</tr>
<tr>
<td>CIE</td>
<td>1</td>
<td>Resignations</td>
</tr>
<tr>
<td>National Roads Authority</td>
<td>2</td>
<td>Resignations</td>
</tr>
</tbody>
</table>

436. Mr. Quinn asked the Minister for Transport if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24198/05]

Minister for Transport (Mr. Cullen): There is one vacancy in this category expected to arise between now and 31 December 2005. The chairperson of the Dublin Transportation Office will retire on 1 July 2005. This vacancy will be filled as soon as possible after that date. Vacancies on State boards are filled having regard to the requirements of the relevant legislation and taking full account of eligibility, transparency and gender balance guidelines as set out in the Cabinet handbook.

**Drugs Task Force.**

437. Mr. English asked the Minister for Com-
munity, Rural and Gaeltacht Affairs if he has received an action plan from the northeast regional drugs task force; if he has reviewed any such plan; when funding will be released for the plan to be implemented; and if he will make a statement on the matter. [23618/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I will shortly be making an initial allocation to the northeast regional drugs task force, along with five other task forces, to allow them to start implementing their regional plans. This funding will enable them to develop a range of new initiatives to tackle drug misuse in their areas.

**Departmental Expenditure.**

438. Mr. Kenny asked the Minister for Community, Rural and Gaeltacht Affairs the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23981/05]

**Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív):** The gross budgetary allocation of the Department of Community, Rural and Gaeltacht Affairs for 2004 was €309,629 million. The amount returned to the Exchequer at the end of 2004 was €852,000 or 0.28% of the gross allocation. Taking extra appropriations-in-aid receipts into account, the total amount returned to the Exchequer was €3,842 million. The total is made up of the following: extra appropriations-in-aid receipts of €2.99 million — target figure, €19,998 million; amount received €22,988 million, of which €9,787 million was received in December, €473 million on 14 December and €5,056 million on 21 December; saving of €736,000 in the administrative budget of the Department with €150,000 of this amount being made available to my Department in 2005 under the efficiency dividend provisions of the Department’s administrative budget agreement — savings on administration are not available for spending on programme budgets; and a saving of €116,000 on the programme spend of the Department, representing 0.04% of the gross programme budget of €292,052 million.

The Deputy will agree the above level of expenditure of available resources reflects the effectiveness of the Department in progressing its objectives.

439. Mr. O'Shea asked the Minister for Community, Rural and Gaeltacht Affairs the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24015/05]

**Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív):** I refer the Deputy to my reply to Question No. 373 of 30 Samhain 2004 which sets out the position in so far as my Department’s services are concerned. The allocation for Oifig an Choimisiún Teanga for 2005 is €700,000. In so far as my overall responsibility for ensuring that the provisions of the Act are implemented is concerned, the only additional cost incurred to date in 2005 by my Department related to the printing of additional copies of the statutory guidelines published under section 12 of the Act. The cost amounted to €7,431 and was once off.

While other minor costs of this nature may be incurred by my Department during the remainder of 2005, it is not possible to quantify them at this time.

440. Mr. Naughten asked the Minister for Community, Rural and Gaeltacht Affairs the reason an application (details supplied) was refused approval under the dormant accounts fund; if he will have this matter reviewed; when he plans to seek further applications under the fund; and if he will make a statement on the matter. [24097/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Decisions on the disbursement of funds from dormant accounts moneys are a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. The board engaged Area Development Management Limited, ADM, to administer the initial round of funding on its behalf involving the disbursement of up to €60 million from the fund.

An application from the group to which the Deputy referred was received by ADM and evaluated against the criteria set out in the published guidelines. I understand the board decided not to approve the application and that the group was advised of the decision on 15 April 2005. I am advised that the group has requested the board to review its decision. The review is being processed and the outcome should be known shortly.

The Deputy will be aware that the Government decided in December 2003 to bring forward legislative changes to arrangements for dormant accounts funding. Arising from the decision, the Dormant Accounts (Amendment) Bill was published on 24 June 2004 and became law on 25 May 2005. The Act provides for key changes in decision making on disbursements from the fund and a reconstituted board. Arrangements for future allocations from the fund, which will be subject to the provisions of the amended Act, are under consideration.

**Appointments to State Boards.**

441. Mr. Quinn asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a list of the vacancies on the boards of
statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24185/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): Of the statutory bodies under the aegis of my Department, there is currently one vacancy on the Údarás na Gaeltachta board. A new board is in situ arising from the recent election. Under legislation, 17 of the 20 member board are democratically elected and three, including the chairman, are nominated by me. To date, I have reappointed two persons to the board, including the chairman, and I anticipate that the remaining appointment will be made at an early date.

For completeness, I should also advise that seven vacancies are likely to arise on the board of Area Development Management over the coming weeks which will be filled on the nominations of Government.

442. Mr. Quinn asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24199/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): Vacancies will arise in the new Dormant Accounts Board, the board of An Foras Teanga and the board of Area Development Management limited before the end of 2005. The filling of the vacancies will be undertaken in accordance with the relevant provisions of the Dormant Accounts (Amendment) Act 2005, the British Irish Agreement Act 1999 and ADM’s memorandum and articles of association, respectively.

Grant Payments.

443. Ms Enright asked the Minister for Agriculture and Food the reason an application to transfer single payment entitlements on foot of the acquisition of land by way of gift or inheritance after the reference period was refused to a person (details supplied) in County Carlow, if she will re-examine this decision; and if she will make a statement on the matter. [23576/05]

Minister for Agriculture and Food (Mary Coughlan): The appeal of the person named was not upheld originally by the agriculture appeals office. It was upheld, however, following a subsequent review of new information received. The agriculture appeals office sent written notification of this to the Cork office of my Department. An Post states that the notification was delivered but no record has been found to date of it having been received by the Cork office. In framing the answer to the parliamentary question of 14 June on the case, therefore, my Department assumed the appeal of the person named had not succeeded. Now that it is aware the appeal succeeded, it is arranging for payment to be made within the next fortnight of the €211.86 due under the 2003 suckler premium scheme and of any other payments due under other schemes as a consequence.

The agriculture appeals office has agreed to notify the outcome of every appeals decision in future to the relevant office of my Department by e-mail as well as by ordinary mail. In this way, I hope my Department will be able to act swiftly on foot of all successful appeals to pay the farmers concerned any entitlements arising as early as possible. In addition, I have directed my Department to check with the agriculture appeals office in respect of any future parliamentary question relating to appeals cases to ensure replies take into account the final decisions by the appeals office in all cases.

Animal Welfare.

444. Mr. Gregory asked the Minister for Agriculture and Food her views on an article in a newspaper (details supplied); if her officials con-
firmed that sledge-hammers were used and that attempts were made to suffocate pigs; the action that has been taken; and if she will make a statement on the matter. [23646/05]

447. Dr. Upton asked the Minister for Agriculture and Food the investigations she has requested on a case (details supplied) in County Waterford; and if she will make a statement on the matter. [23654/05]

450. Dr. Upton asked the Minister for Agriculture and Food if veterinary officers from her Department were informed of the intentions of a person (details supplied) to carry out a mass slaughter of pigs on their farm in July 2002; if so, the response given by her Department; and if she will make a statement on the matter. [23657/05]

451. Dr. Upton asked the Minister for Agriculture and Food the assistance which was offered by her Department to a person (details supplied) in their efforts to humanely slaughter a large number of pigs; and if she will make a statement on the matter. [23658/05]

452. Dr. Upton asked the Minister for Agriculture and Food if her Department appointed veterinary officers to oversee the mass slaughter of pigs at the farm of a person (details supplied) in County Waterford. [23659/05]

453. Dr. Upton asked the Minister for Agriculture and Food the special circumstances that made it acceptable that 4,000 pigs be slaughtered on a farm (details supplied) in County Waterford over a six day period; and if she will make a statement on the matter. [23660/05]

455. Dr. Upton asked the Minister for Agriculture and Food if appointed veterinary officers of her Department oversaw the mass slaughter of pigs at a farm (details supplied) in County Waterford applied to her Department for permission to have animals slaughtered by appropriately trained persons at a suitable abattoir, slaughterhouse or meat plant; and if she will make a statement on the matter. [23663/05]

456. Dr. Upton asked the Minister for Agriculture and Food if a person (details supplied) in County Waterford applied to her Department with a dedicated plant, for the option of making arrangements acceptable to her Department for the slaughter of a large number of pigs; and if she will make a statement on the matter. [23664/05]

457. Dr. Upton asked the Minister for Agriculture and Food if she received a copy of a video showing details of the mass slaughter of pigs on a farm in County Waterford; if so, the date and time she received the video; the date and time she first viewed the video; and if she will make a statement on the matter. [23664/05]

458. Dr. Upton asked the Minister for Agriculture and Food if officials of her Department received a video showing the mass slaughter of pigs on a County Waterford farm; if so, the date and time did they first viewed the video; and if she will make a statement on the matter. [23665/05]

459. Dr. Upton asked the Minister for Agriculture and Food the length of time veterinary officers were present at the slaughter of pigs at a farm (details supplied) in County Waterford; if they observed pigs being slaughtered without being restrained; and if she will make a statement on the matter. [23666/05]

460. Dr. Upton asked the Minister for Agriculture and Food the instructions her Department gave to meat factories or abattoirs in relation to the slaughter of pigs belonging to a person (details supplied) in County Waterford; and if she will make a statement on the matter. [23667/05]

461. Dr. Upton asked the Minister for Agriculture and Food the reason that her Department refused to lift a restriction order on movement of pigs belonging to a person (details supplied) in County Waterford; and if she will make a statement on the matter. [23668/05]

462. Dr. Upton asked the Minister for Agriculture and Food if tests were carried out on behalf of her Department on pigs from a farm (details supplied) in County Waterford; if so, the purpose of the tests; the results obtained from the tests; and if she will make a statement on the matter. [23669/05]

465. Dr. Upton asked the Minister for Agriculture and Food the tests which were carried out on behalf of her Department on a substance reported to be carbadox on the floor of pig pens at a farm (details supplied) in County Waterford; if samples were taken from the pig pens at any stage to confirm the nature of the substance; and if she will make a statement on the matter. [23672/05]

466. Dr. Upton asked the Minister for Agriculture and Food the reasons given by a person (details supplied) in County Waterford to her Department for choosing not to pursue the option of making arrangements acceptable to her Department with a dedicated plant, for the slaughter of a large number of pigs; and if she will make a statement on the matter. [23674/05]

468. Dr. Upton asked the Minister for Agriculture and Food the reason veterinary inspectors satisfied themselves that a person (details supplied) in County Waterford who had no training, no qualifications and no experience in animal slaughter, understood fully the procedure involved in the slaughter of over 4,000 pigs on their farm; the further reason the inspectors believed this person displayed the competence and confidence to undertake the task; and if she will make a statement on the matter. [23675/05]

470. Dr. Upton asked the Minister for Agriculture and Food further to her having viewed a video (details supplied), her views on whether the slaughter of the animals was cruel; and if she will make a statement on the matter. [23677/05]

471. Mr. Haughey asked the Minister for Agriculture and Food her views on the horrific slaugh-
477. Dr. Upton asked the Minister for Agriculture and Food if she will confirm that a test for a banned substance was carried out on an animal (details supplied) in County Waterford; if the results of the test were made available to the owner of the animal; if the owner received a certificate of condemnation arising from the test results; if, subsequently, animal movement was restricted; and if she will make a statement on the matter. [23729/05]

479. Mr. Boyle asked the Minister for Agriculture and Food the role her Department officials played in overseeing the killing of 4,300 pigs in County Waterford, as recently revealed in a video tape report; and the actions she intends to take on foot of damning evidence of animal abuse. [23873/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 445, 460, 461, 462, 465, 467, 468, 470, 471, 477 and 479 together.

As Deputies are probably aware, the event referred to occurred during July 2002, which is almost three years ago. As the matter is the subject of litigation, it would be inappropriate of me to comment on many of the issues raised in the questions at this point in time as to do so might prejudice the outcome of the litigation or any further action to be taken by my Department or other authorities. However, I can make some general comments on the case.

I emphasise that the decision of my Department to require the slaughter of the pigs outside the food chain was based on the need to protect human health from the consumption of pigmeat containing a carcinogenic substance. As I indicated in my reply to Question No. 162 on 23 June, the case involved the slaughter on farm by the herdowner of some 4,000 pigs over a five day period following the discovery by Department veterinary inspectors of quantities of carbadox on the farm and an admission by the herdowner that he had spread the substance on the floors of pig pens. The movement of any animals from the herd, except under specific licence from the Department, had also been prohibited by the Department in the period preceding slaughter to protect public health. Notwithstanding this, some pigs were moved to slaughter plants and products from some of these did in fact enter the food chain.

Carbadox is a carcinogen, or cancer-causing substance, which is banned by the EU and deemed to be unsafe at any level. Prosecutions have since been issued against the herdowner, alleging a range of offences relating to the use of this feed additive and other matters including the illegal movement of pigs from the farm. The herdowner has issued proceedings against the Department under two headings. The video, reportedly commissioned by the herdowner, was brought to the attention of my Department by the media and was shown, but not handed over, to a number of Department officials. The video was also shown at a meeting of the farm animal welfare advisory council, FAWAC. My Department requested a copy of the video from the journalist concerned on 17 June but the journalist told an official of my Department that she had been advised by her sources not to provide one. In any event, neither I nor my Department have received it. If it is furnished, it will be reviewed and immediate consideration will be given to what action might be taken in relation to its content.

While there was no question of legally permitting the pigs to be slaughtered for human consumption, the Department wrote to the herdowner’s solicitors on 7 May 2002 explicitly stating its willingness to allow him to pursue the option of his making arrangements, acceptable to the Department, with a dedicated plant for their slaughter. However, he did not pursue this option. Instead, he sought permission to slaughter the pigs himself on his farm on welfare grounds. He had discussed this approach with Department veterinary inspectors and they were satisfied that he understood fully what would be involved and that he displayed both the competence and confidence to undertake the task. During the five day period, two veterinary inspectors, including an animal welfare expert, from the Department visited the farm on numerous occasions to assess the ongoing slaughter operation. A non-veterinary official of the Department was present on the farm during the five day period in question whose primary function was ensuring proper disposal of the carcasses to ensure they did not enter the human food chain. At no point during the slaughter process did the herdowner express concerns or disquiet on animal welfare grounds in relation to the slaughter method or seek to suspend operations on grounds of professed animal welfare concerns.

An official of my Department observed the herdowner use a lump-hammer to slaughter a small number — five — of pigs and ordered the practice to cease immediately. The implement was seized and only returned to the farmer when the entire slaughter process was completed. With regard to the attempted suffocation of the pigs, records indeed show that the herdowner was legally instructed to maximise the ventilation capacity of his units to minimise the negative welfare impact associated with increased live-weight capacity of the units. Department veterinary staff did not report any attempt to deliberatively deprive the pigs of air.

The circumstances of the case were highly unusual. On-farm slaughter of animals in any number is an exception rather than the rule and occurs only in extreme circumstances, such as those of the foot and mouth disease outbreak in Cooley, where it is not possible to move the animals to a dedicated slaughter plant or where
there are compelling reasons such as fear of disease spreading for not attempting to do so. In this case, the herdowner had himself decided to slaughter his animals on farm and the Department considered at the time that it could not legally have forced him to have the operation conducted in a slaughter plant. The approach which the Department itself generally employs in circumstances in which it proves necessary to have numbers of animals slaughtered — as in the case of cattle where BSE is detected — is to have slaughter carried out in a dedicated slaughter plant.

Grant Payments.

446. Mr. Perry asked the Minister for Agriculture and Food when a person (details supplied) will receive the balance of premiums for ten month, 22 month suckler cow and bulls premia; the reason for the delay; the reason penalties were encountered when it was understood that none would apply in regard to derogation for the time to comply on decoupling payment; and if she will make a statement on the matter. [23648/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted ten applications for special beef premium in 2004 in respect of a total of 343 animals. Following computer validation, six animals on the second application, which was received on 6 February 2004, were identified as being under age and, therefore, ineligible for premium on the date of application. The animals have since been deleted from the application. One animal on the tenth application was identified as slaughtered prior to application dated 31 December 2004 and was not eligible for payment. One animal on the same application was also identified as CMMS non-compliant. However, the entry in the CMMS has since been updated and payment made in respect of this animal.

Payment of interim balancing payments of €9,674.70 in respect of 336 animals issued to the named person on 22 June 2005. As the person named submitted over 25 animals, the special beef overshoot reduction must be applied to the balancing payment. One animal on the tenth application was identified as slaughtered prior to application. However, the entry in the CMMS has since been updated and payment made in respect of this animal.

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448. Dr. Upton asked the Minister for Agriculture and Food the legislation which governs the slaughter of pigs here; and if she will make a statement on the matter. [23655/05]

Minister for Agriculture and Food (Mary Coughlan): The legislation which governs the slaughter of pigs in Ireland is the Slaughter of Animals Act 1935, the Abattoirs Act 1988 and regulations made thereunder and the European Communities (Protection of Animals at Time of Slaughter) Regulations 1995.

449. Dr. Upton asked the Minister for Agriculture and Food her views on whether it is acceptable to use a captive bolt stun gun as the sole method for slaughter of pigs; if this method concurs with EU and Irish legislation; and if she will make a statement on the matter. [23656/05]

Minister for Agriculture and Food (Mary Coughlan): The captive bolt pistol is approved under Irish legislation as an instrument for stunning. There is clear scientific evidence and practical proof that the captive bolt pistol is capable of not only stunning animals but killing them. The captive bolt pistol, using a standard charge, is suitable for the stunning of 500-600 kg cattle and is also adequate for the slaughter of pigs of 90 kg body weight.

Question Nos. 450 to 453, inclusive, answered with Question No. 445.

454. Dr. Upton asked the Minister for Agriculture and Food the level of overseeing which is required by veterinary officers in the case of a mass slaughter operation of farm animals; if it is necessary for a veterinary surgeon to be present at all times; and if she will make a statement on the matter. [23661/05]

Minister for Agriculture and Food (Mary Coughlan): The level of overseeing on the part of veterinary inspectors in the case of a mass slaughter operation of farm animals is not defined. It is not considered necessary for a veterinary surgeon to be present at all time during such an operation.

Questions Nos. 455 to 462, inclusive, answered with Question No. 445.

Residue Testing Programme.

463. Dr. Upton asked the Minister for Agriculture and Food the frequency with which tests for carbadox in food or feed is carried out; and if she will make a statement on the matter. [23670/05]

464. Dr. Upton asked the Minister for Agriculture and Food the number of samples of pig meat, and blood samples from pigs which have been tested on behalf of her Department for carbadox in the years 2001, 2002, 2003, 2004 and to date; the number which tested positive for carbadox; the number taken from imported products;
Question No. 465 answered with Question No. 445.

466. Dr. Upton asked the Minister for Agriculture and Food the kind of test procedure carried out by her Department when testing for carbadox in animal feed, in food samples and in blood samples from animals suspected of being tainted with the banned substance; the accuracy of the test methods used; if the test method is a standard method and is carried out to correspond in accuracy with a reference method; if the method allows absolute confirmation of the substance; and if she will make a statement on the matter. [23673/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 463, 464 and 466 together.

Details of porcine liver samples analysed under the national residue monitoring programme for the banned substance carbadox in the years in question are set out as follows:

Number of Samples tested for Carbadox Irish Product.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Samples Taken</th>
<th>No. of Positive Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>62</td>
<td>1</td>
</tr>
<tr>
<td>2002</td>
<td>85</td>
<td>0</td>
</tr>
<tr>
<td>2003</td>
<td>103</td>
<td>0</td>
</tr>
<tr>
<td>2004</td>
<td>86</td>
<td>0</td>
</tr>
<tr>
<td>2005 (To date)</td>
<td>33</td>
<td>0</td>
</tr>
</tbody>
</table>

No samples of imported product were tested for carbadox during the period in question. In this regard the following needs to be borne in mind: Under Single Market rules, a member state is precluded from routinely checking imports either from other member states, or from third countries which have already been cleared into free circulation through another member state: third country exports are allowed into the EU only where the country concerned has satisfied the EU Commission that equivalent guarantees exist, that is, the Commission must be satisfied that the country concerned has in place an equivalent level of consumer protection to that in the EU in terms of legislation and controls. To monitor this, third countries are required to submit annual residue control plans and the results thereof to the Commission; third countries are subject to on-the-spot inspections by inspectors from the Commission’s Food and Veterinary office to verify the existence and effectiveness of controls. Where deficiencies are found, the Commission can and does implement sanctions which can result in the approval to export to the EU being rescinded or implements safeguard decisions under which member states are obliged to carry out testing on product imported from the country in question: the effectiveness of routine testing of product from third countries for residues is in many cases of limited effectiveness since the product imported, typically muscle meat, is often not the optimum matrix in which to detect the substance or metabolite in question, bearing in mind also depletion during transport.

Ireland’s national residue monitoring programme is drawn up to protect public health and to meet obligations in this regard under EU Directive 96/23. The annual programmes for the years 2001-2004 have been examined and approved by the EU Commission and the programme for 2005 is currently going through the EU approval process.

The test method used is based on gas chromatography/mass spectrometry, GCMS, technology. This is an internationally recognised method for the purpose of testing for carbadox and meets relevant scientific criteria in terms of confirmation, accuracy and repeatability.

Questions Nos. 467 and 468 answered with Question No. 445.

Animal Slaughter.

469. Dr. Upton asked the Minister for Agriculture and Food if employees of plants under the control of her Department who are engaged to slaughter animals on a commercial scale are required to be given training in the process; if they are furnished with appropriate equipment to carry out the slaughter humanely; and if she will make a statement on the matter. [23676/05]

Minister for Agriculture and Food (Mary Coughlan): Under the provisions of the European Communities (Protection of Animals at Time of Slaughter) Regulations, 1995, a person engaged to slaughter animals in a slaughterhouse must have the knowledge and skill necessary to perform the task humanely and efficiently and be licensed by a local authority. The responsibility for ensuring that the person employed for slaughtering has the necessary knowledge and skill lies with the owner-person in charge of the slaughterhouse. Where an officer of my Department is of the opinion that a person employed for slaughtering does not possess the necessary knowledge and skill, the officer may direct the owner-person in charge of the slaughterhouse, to arrange a staff training programme to enable the slaughter person achieve the standards appropriate to that type of employment. In addition, the owner-person in charge of the slaughterhouse must ensure that equipment used for the slaughter of animals is designed, maintained and used in compliance with the animal welfare legislative requirements.

Questions Nos. 470 and 471 answered with Question No. 445.

Decentralisation Programme.

472. Mr. Howlin asked the Minister for Agriculture and Food if her attention has been drawn, despite her reply to Parliamentary Question No. 379 of 19 April 2005, to the fact that plans to move the beef carcase classification unit to Port-
Department work in these areas; if she will clarify the position regarding decentralisation in regard to this specific unit; and if she will make a statement on the matter. [23730/05]

Minister for Agriculture and Food (Mary Coughlan): Under the Government’s decentralisation programme my Department’s Dublin headquarters will be transferred to Portlaoise, my Department’s laboratories in Cork and Limerick will move to Macroom and my Department’s local offices in Cork city and Mallow will move to Fermoy.

No other regional or local offices of my Department are included in the decentralisation programme. However, as part of a re-organisation of the livestock, beef and sheepmeat division of my Department, the relocation of the beef carcass classification work to Portlaoise, involving five posts, is currently being considered. Also under consideration is the relocation to Portlaoise of the related livestock breeding schemes, currently based in my Department’s Cavan office. These moves are aimed at bringing greater efficiency and co-ordination to the Department work in these areas.

Lough Key Forest Park.

473. Mr. Naughten asked the Minister for Agriculture and Food if she will approve the lease of land (details supplied) in County Roscommon; and if she will make a statement on the matter. [23731/05]

Minister for Agriculture and Food (Mary Coughlan): I am pleased to inform the Deputy that I have recently given approval to Coillte Teoranta to enter into a joint venture arrangement with Roscommon County Council and Fáilte Ireland in the development of Lough Key Forest Adventure Park at a capital cost of just under €8 million.

This project involves the leasing of 110 acres of land by Coillte for the venture. As Coillte was established as a private commercial company under the Forestry Act 1988, this is an operational matter for Coillte Teoranta to finalise with Roscommon County Council.

Plant Protection Products.

474. Mr. O’Shea asked the Minister for Agriculture and Food her proposals to limit the time for crop spraying near to bee keeping operations to the period from sundown to sunrise (details supplied); and if she will make a statement on the matter. [23732/05]

Minister for Agriculture and Food (Mary Coughlan): The regulatory system for plant protection products is designed to ensure a high level of protection for man, animals and the environment. The authorisation process for individual plant protection products involves a detailed assessment of the degree of potential exposure of honeybees that could arise as well as an assessment of possible impacts on honeybees. Plant protection products are not authorised for uses that involve unacceptable risks for honeybees. The permitted uses of products that present some risks for bees are adjusted to minimise the risks arising. For such products, labelling requirements must include safety advice for the farmer in regard to the use restrictions applied in crops where honeybees forage.

Single Farm Payment.

475. Mr. Deenihan asked the Minister for Agriculture and Food the position regarding the implications for the single farm payment for those on the early farm retirement pension; and if she will make a statement on the matter. [23733/05]

Minister for Agriculture and Food (Mary Coughlan): In general, the single payment scheme is applicable to farmers who actively farmed during all or any of the three reference years 2000, 2001 and 2002, who were paid livestock premia and/or arable aid payments in one or more of those years and who, or whose successors, will farm in 2005 single payment scheme.

My Department has been aware, from an early stage in the negotiations leading to the introduction of the single payment scheme, of the possible implications for retired farmers who had leased their holdings during the reference years 2000 to 2002. In so far as it has proved possible in the context of the EU regulations governing the single payment scheme, and following lengthy discussions with the European Commission, provision has been made under the rules of the single payment scheme to address some of the concerns of retired farmers.

Where an individual had retired before the reference period, that person is not in a position to claim entitlements under the single payment scheme. However, a concession agreed with the European Commission will allow family members who take over a holding that was leased to third parties during the reference period to have access to entitlements from the national reserve. This will benefit the family members of retired farmers who decide to take up farming.

My officials are continuing to discuss with EU Commission officials the position of retired farmers in the context of the new single payment scheme.

Tuberculosis Incidence.

476. Mr. Perry asked the Minister for Agriculture and Food her Department’s policy in regard to the eradication of tuberculosis in deer farming; when a national herd test will be put in place to prevent the spreading of tuberculosis to other stock; when financial assistance will be made available to herd owners to compensate them for having to slaughter or replace animals; if her attention has been drawn to the fact that the only information available from her Department is on tuberculosis in deer in New Zealand; the assistance which will be made available to a person (details supplied) in County Sligo in
regard to tuberculosis in a deer farm; and if she will make a statement on the matter. [23734/05]

Minister for Agriculture and Food (Mary Coughlan): My Department operates an official bovine tuberculosis, TB, eradication programme through which farmers contribute by means of the payment of bovine disease levies on animals slaughtered and milk sold to co-operatives. In common with many other diseases my Department does not operate an official programme for the eradication of tuberculosis in farmed deer and therefore there is no compensation payable in respect of TB infected deer. There are no mandatory programmes at EU level dealing with the eradication of tuberculosis in deer. It is fair to say that most of the scientific publications concerning TB in deer originate in New Zealand, where deer farmers actively fund and participate in their TB eradication programme.

Advice on disease control measures and biosecurity is available from the local Department district veterinary office, DVO, and the relevant Department regional veterinary research laboratory. The Department is aware that in some instances deer farmers have organised to pay for TB testing in their own herds through their private veterinary practitioner.

In the early 1990s, the Department offered a TB eradication programme to deer farmers on the basis that the programme would be self financing by the industry along the lines of the TB eradication programme for bovines. This programme would have required the registration of holdings with farmed deer and their individual identification. At that time the industry declined to participate in the programme on the terms offered by this Department. My Department will keep its policy in this area under review but have no immediate plans to introduce an official TB eradication programme for farmed deer.

Question No. 477 answered with Question No. 445.

Nitrates Directive.

478. Mr. Crawford asked the Minister for Agriculture and Food the position regarding the nitrates directive; the number of zones being discussed from a slurry holding and spreading point of view; the number of counties in each zone; if she is satisfied that they are on a scientific basis; the number of zones being discussed from a slurry holding and spreading point of view; the number of counties in each zone; if she is satisfied that they are on a scientific basis; and if she will make a statement on the matter. [23736/05]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government.

Following the submission of an action programme in October 2004 and the EU Commission response that it did not fully meet Ireland’s obligations under the nitrates directive, my Department has been working closely with the Department of the Environment, Heritage and Local Government on the preparation of a revised action programme. There has been a series of discussions with the Commission and I understand that the revised programme will be sent to the Commission shortly.

The nitrates action programme will apply from 1 January 2006 on a national basis and will include measures on the timing and procedures for the land application of fertilisers, limits on the land application of fertilisers, requirements on the capacity of storage vessels for livestock manure and general provisions on storage management. It will also provide for the monitoring of the effectiveness of these measures.

Question No. 479 answered with Question No. 445.

Departmental Expenditure.

480. Mr. Kenny asked the Minister for Agriculture and Food the amount of her Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if she will make a statement on the matter. [23982/05]

Minister for Agriculture and Food (Mary Coughlan): The Department’s voted budget provision for 2004 was €1,405 million, gross. At the end of 2004, unspent budget amounted to €146.2 million. Of this, €17.949 million was carried over to 2005 under the multi-annual capital envelope arrangements agreed with the Minister for Finance, and a further €3.3 million was carried over under the administrative budget agreement.

Most of the Department’s expenditure relates to demand led schemes, animal disease control measures and technical and financial costs relating to intervention. Expenditure in these areas is difficult to predict because it is demand or market-led, or dependent on the incidence of animal disease.

The savings in 2004 arose under the following subheads:

<table>
<thead>
<tr>
<th>Subhead</th>
<th>Savings (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Budget (subheads A.1 to A.10)</td>
<td>12.1</td>
</tr>
<tr>
<td>Research and Training (subhead B)</td>
<td>4.6</td>
</tr>
<tr>
<td>Animal Health Area (subhead C)</td>
<td>26.4</td>
</tr>
<tr>
<td>Market Supports — technical and related costs</td>
<td>7.2</td>
</tr>
<tr>
<td>REPS (subhead F)</td>
<td>52.4</td>
</tr>
<tr>
<td>Land Mobility (subhead G)</td>
<td>14.6</td>
</tr>
<tr>
<td>Development of Agriculture (subhead H)</td>
<td>20.5</td>
</tr>
<tr>
<td>Forestry (subhead I — €14 m)</td>
<td>13.9</td>
</tr>
<tr>
<td>Other (subhead M)</td>
<td>0.7</td>
</tr>
<tr>
<td><strong>Total savings</strong></td>
<td><strong>152.2 m</strong></td>
</tr>
</tbody>
</table>

*This was offset by additional spending on Income supports in disadvantaged areas — subhead E — amounting to €6.1 million.

481. Mr. O’Shea asked the Minister for Agriculture and Food the amount her Department has
Minister for Agriculture and Food (Mary Coughlan): In the year to date my Department has spent €27,000 on the implementation of the provisions of the Official Languages Act 2003. It is estimated that in the region of €100,000 will be spent in total on the implementation of the Act for the year 2005.

EU Directives.

482. Mr. M. Higgins asked the Minister for Agriculture and Food when the operation scheme for the nitrates directive will be announced (details supplied); the details of the agreement with the European Union with relation to this directive; and if she will make a statement on the matter. [24025/05]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government.

Following the submission of an action programme in October 2004 and the EU Commission response that it did not fully meet Ireland’s obligations under the nitrates directive, my Department has been working closely with the Department of the Environment, Heritage and Local Government on the preparation of a revised action programme. There has been a series of discussions with the Commission and I understand that the revised programme will be sent to the Commission shortly.

The nitrates action programme will apply from 1 January 2006 on a national basis and will include measures on the timing and procedures for the land application of fertilisers, limits on the land application of fertilisers, requirements on the capacity of storage vessels for livestock manure and general provisions on storage management. It will also provide for the monitoring of the effectiveness of these measures.

Grant Payments.

483. Mr. Naughten asked the Minister for Agriculture and Food her plans to increase the level of installation aid for young farmers; and if she will make a statement on the matter. [24088/05]

Minister for Agriculture and Food (Mary Coughlan): The level of grant payable to qualified young farmers under the current installation aid scheme is €9,523.04, which represents a 34% increase on the amount payable under the preceding scheme. I have no plans at present to further increase the value of the grant payable under the scheme.
Departmental Programmes.

486. Mr. Wall asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); the action he will take to assist the group; and if he will make a statement on the matter. [23778/05]

541. Mr. Wall asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied) on funding for child care facilities; if he will investigate the matter; and if he will make a statement on the matter. [23953/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 486 and 541 together.

On 22 June 2005, I approved additional capital grant assistance of €130,000 under the Equal Opportunities Childcare Programme, EOCP, 2000-2006, in respect of an application from the group in question. This brings the total capital amount approved to date to this community-based group to €1,130,000.

The approval of additional capital grant assistance is subject to the group’s satisfactory compliance with a number of conditions regarding the development and completion of the project. I understand the group has been advised of my decision, by the child care directorate of my Department.

Area Development Management Limited, which is engaged to administer the EOCP on my behalf, will be in contact directly with the group regarding the conclusion of a contractual agreement which is necessary in order to draw down the grant. The Deputy may be aware the group has been advised of my decision, by the child care directorate of my Department.

The equal opportunities child care programme has an equal opportunities and social inclusion perspective and facilitates the further development and expansion of child care facilities to address the needs of parents, in reconciling their child care needs with their participation in employment, education and training. It aimed to increase the supply of centre based child care places by 55% — some 31,000 places — by its end and I am happy to report that this target has been surpassed.

Child care services, including playgroups, which address social policy objectives in relation to employment are eligible to apply, in line with the programme criteria, for funding from my Department. Playgroups are generally sessional in nature and under the programme would be expected to open for at least 46 weeks in a year, offering a service five days per week. In addition, sessional playgroups are encouraged to provide two sessions per day to maximise the use of the facility and to provide flexibility of access to child care for parents. It is important to note that all services applying under the programme are encouraged to provide as wide a range of child care as is possible.

The positive impact the programme is having on flexible access to child care is illustrated by a recently published 2004 survey of more than 1,000 grant recipients. The survey was compiled for my Department by ADM Limited, which carries out the day-to-day management of the programme on my behalf. The 2004 survey showed that 36.1% of services funded under the programme operated full day care services and that 36.1% of services was 33.4 hours per week, which was an increase from an average of 31.7 hours in 2003. It is interesting to note in the survey that 38.2% of facilities which received funding under the programme operated for 40 hours per week or more. It also indicated that the average operating hours of services was 33.4 hours per week, which was an increase from an average of 31.7 hours in 2003.

The survey also indicates that some services provide more than one category of child care and may provide a mix of full day, sessional and school age child care.

Total funding committed since the programme commenced in 2000 is over €444 million, of which over €389 million has been allocated to child care facilities. This includes €45.6 million which I announced last Wednesday, 22 June 2005. The funding under the programme addresses the development of child care from capital, staffing and quality improvement perspectives. It is worth already in place a solution is within reach; and if he will make a statement on the matter. [22709/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that there have been significant improvements in the provision of supports for the development of child care over the last number of years. Child care was identified as an investment priority under the National Development Plan 2000-2006.

The survey also indicates that some services provide more than one category of child care and may provide a mix of full day, sessional and school age child care.

Total funding committed since the programme commenced in 2000 is over €444 million, of which over €389 million has been allocated to child care facilities. This includes €45.6 million which I announced last Wednesday, 22 June 2005. The funding under the programme addresses the development of child care from capital, staffing and quality improvement perspectives. It is worth
noting that, in addition to large-scale capital allocations, the programme has committed substantial funding to staffing grant assistance. Support towards the staffing costs of employing child care workers in community-based child care centres in disadvantaged areas ensures that less advantaged parents in those areas have increased access to quality child care and that they are charged fees which are less than the economic cost of providing the service.

It is expected that the total funding allocated to child care facilities will lead to the creation of some 39,900 new child care places. Of these new places, I am delighted to note that 24,600 were already in place by December 2004. They offer parents greater access to affordable child care throughout the country as they balance their work and family needs.

This Government’s record in providing enhanced child care supports is without parallel and I am confident that we are moving rapidly to ensure that there are quality services available to parents throughout the country.

489. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the position on a child care application for a group (details supplied) in County Donegal; and if he will make a statement on the matter. [23517/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware the community-based group in question was awarded staffing grant assistance under the Equal Opportunities Child Care Programme, EOCP, 2000-2006, of €36,000 over three years in May 2002 and a further €24,000 over two years in September 2002. This brings the total staffing allocation approved for the group to €60,000, which was considered to be a sufficient contribution for the level of service being provided.

In January 2005, the group was informed by the child care directorate of my Department that staffing grant assistance will be maintained until 31 August 2005, at the current levels, for groups in receipt of staffing grant assistance for three or more years and subject to the groups’ maintaining their approved level of service and implementing any conditions associated with the development of the service.

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 financial circumstances of the client group and which ensures that child care places subsidised by the EOCP are targeted towards those most in need.

**Underage Drinking.**

490. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the initiatives he plans to pursue to address the issue of underage drinking which is so prevalent in small rural and large urban centres; and if he will make a statement on the matter. [23557/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A consultation process on my proposals for a Bill to streamline and modernise the liquor licensing laws by repealing the Licensing Acts 1833 to 2004 and replacing them with updated provisions more suited to modern conditions 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 drafting the Bill.

I am conscious of public concerns regarding alcohol-related harm in our society and my proposals contain both safeguards and increased penalties that are intended to combat such harm. These include: requiring all planning authorities to address the regulation and control of the location of licensed premises in their development plans; requiring applicants for retail licences, including off-sales licences, to present proof of planning permission and certification of compliance with planning conditions and fire safety standards to the District Court; extending the jurisdiction of the District Court to all retail licences and giving specified notice to parties, including the health authority and members of 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 in any particular case on stated grounds; strengthening provisions designed to combat sales to under-age persons by, for example, requiring all off-sales premises to have written policies and control procedures; supplementing existing offences relating to under-age consumption of alcohol with 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.

My proposals 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. In addition, the proposed Bill will contain provisions for dealing with drunkenness and disorderly conduct on licensed premises, as well as combating the sale and supply of alcohol to under-age persons.

Furthermore, I am taking a number of initiatives to strengthen the powers available to the Garda Síochána to combat public order offending and anti-social behaviour which are often related to abuse of alcohol. I have proposed a fixed charge procedure regarding certain public order offences in the Criminal Justice Bill 2004, which is awaiting Second Stage in the Dáil. Section 29 of the Bill amends the Criminal Justice (Public
Order) Act 1994 to provide for a fixed penalty procedure in relation to certain public order offences under that Act. The procedure will apply to an offence under section 4 — intoxication in public place — and section 5 — disorderly conduct in a public place. It is intended that the fixed penalty procedure will be an alternative to criminal proceedings being taken in the first instance.

I am concerned that people, particularly the elderly, feel threatened by forms of harassment which of themselves may not be criminal offences but which may cause distress. I intend to include in the Criminal Justice Bill a provision which will empower the Garda to apply to the courts, by way of civil procedure, for an anti-social behaviour order.

The obligation to produce an age document in order to gain admission to the bar of licensed premises is intended to assist licensees to comply with legislative provisions relating to underage consumption of alcohol and to assist the Garda in enforcing the law.

The national age card scheme was initiated in April 1999 under the provisions of section 40 of the Intoxicating Liquor Act 1988. The scheme was introduced to help curb the growth in underage drinking by introducing a specially designed age card. Section 40 of the Intoxicating Liquor Act 1988 provides that the Minister for Justice, Equality and Law Reform may by regulations provide for the issue of an age card to those who have attained 18 years of age and are, therefore, legally entitled to purchase and consume alcohol in licensed premises. The Intoxicating Liquor Act 1988 (Age Card) Regulations 1999 set out detailed provisions in respect of the application and authentication procedure as well as procedures for the preparation and issue of age cards. To date, more than 181,000 cards have been issued by the Garda authorities.

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

I am informed by the Garda authorities that Operation Encounter, which commenced nationwide in 2002, is designed to address specifically public disorder, underage drinking and other related issues, and targets key offences under the Criminal Justice (Public Order) Act 1997 and the Intoxicating Liquor Acts, particularly offences committed by, or on behalf of, persons under 18 years.

The Garda secondary school programme has been introduced as part of the social, personal and health education programme for second level students. One module in this programme deals with substance abuse and incorporates the various issues relating to alcohol use and abuse.

Liquor Licensing Laws.

491. Cecilia Keaveney asked the Minister for Justice, Equality and Law Reform the initiatives he plans in the context of the review of the intoxicating liquor laws; and if he will make a statement on the matter. [23558/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 387 on Wednesday, 29 June 2005.

Garda Deployment.

492. Cecilia Keaveney asked the Minister for Justice, Equality and Law Reform when a garda sergeant will be appointed for a station (details supplied) in County Donegal; and if he will make a statement on the matter. [23588/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of Malin Garda station as at 28 June 2005 was two — all ranks. The sergeant attached to Malin Garda station retired from an Garda Síochána on 2 June 2005.

Local Garda management reports that available resources are deployed to provide the most effective police service for the area. There is a sergeant in Carndonagh, four miles from Malin, and a sergeant in Clonmany, 12 miles from Malin.

It is the responsibility of the divisional officer for Donegal to allocate personnel within the division. I am advised that every effort is made to fill vacancies at sergeant rank arising as a result of retirements or promotions, in conjunction with the allocation of newly promoted sergeants. The situation will be kept under review and when the next group of newly promoted sergeants is being deployed the needs of Donegal division will be fully considered.

On Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context the needs of Donegal division will be fully considered with the overall context of the needs of Garda divisions throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and
a large number of public order offences, but it will also be possible to address other priorities, such as the need to increase very significantly the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into front line, operational, high-visibility policing. They will have a real impact.

493. Mr. Gregory asked the Minister for Justice, Equality and Law Reform the number of gardaí involved in policing inside and outside Croke Park during the three U2 concerts last weekend; the costs involved; and the contribution made by the promoter. [23647/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that a total of 284 gardaí — all ranks — were employed each day for the three U2 concerts held in Croke Park on 24, 25 and 27 June 2005. Of this total, 194 gardaí — all ranks — were employed on public duty and 90 gardaí — all ranks — were employed on non-public duty on each of the days.

The total policing cost for these concerts is not yet available. However, the concert promoter, MCD, contributed €194,852 towards same in respect of the non-public duty costs.

Dublin-Monaghan Bombings.

494. Mr. F. McGrath asked the Minister for Justice, Equality and Law Reform if there are delays in paying medical expenses to a person (details supplied). [23649/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to Question No. 657 of 14 June 2005. The position remains unchanged. The commission is still awaiting additional information from the applicant in question.

Prison Services.

495. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform if he will provide details on the wide range of considerations which would have to be taken into account before contemplating the issue of distributing condoms to prisoners, to which he referred in a previous written answer; and if he will make a statement on the matter. [23693/05]

496. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform if he will detail the manner in which the issue of condom distribution in prisons is being kept under ongoing review by his office; the persons tasked with monitoring this issue; the manner in which information is gathered to inform the reviews; the number of times annually a report is submitted to him or the director of the Irish Prison Service based upon this review; if such reports are made in written form; the date the last such report was made to him or the director of the Irish Prison Service; the threshold to be met before he will authorise condom distribution in prisons; and if he will make a statement on the matter. [23694/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 495 and 496 together.

The Irish Prison Service monitors developments, both nationally and internationally, in a wide variety of areas relevant to the organisation and operation of prisons. This would include the issue of whether the provision of condoms to prisoners by prison authorities is either necessary or appropriate. To date, I have not received any “reports” on this matter as referred to by the Deputy. I am not aware that there is, in fact, any demand by prisoners that they be provided with condoms while in prison.

I have no plans to distribute condoms in prisons. If the issue were to be considered in greater detail, a number of issues would have to be considered, including compatibility with a prisons regime, possible abuses, legal issues and the question of liability.

Garda Stations.

497. Mr. Kehoe asked the Minister for Justice, Equality and Law Reform his plans to sell any Garda stations or property in County Wexford and if so, where; and if he will make a statement on the matter. [23695/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Office of Public Works have the responsibility for acquiring and disposing of property on behalf of the State. That said, I have no plans to sell any Garda station or Garda property in County Wexford.

Departmental Reports.

498. Mr. Kehoe asked the Minister for Justice, Equality and Law Reform when this Deputy will receive a reply to Question No. 252 of 22 June 2005; and if he will make a statement on the matter. [23696/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I expect that the information sought will be forwarded to him within the next two weeks.

Visa Applications.

499. Mr. English asked the Minister for Justice, Equality and Law Reform the reason a person (details supplied) who is living here alone with their three children has been refused a visa despite the fact that their child is in urgent need of family support and help; if he will review the case and consider issuing a visa or permit; and if he will make a statement on the matter. [23697/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): This application has already
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been subject to review. Following a further examination of the papers it has been decided to approve the visit visa. The applicant will be formally notified by the Department of Foreign Affairs in the next couple of days.

500. Mr. English asked the Minister for Justice, Equality and Law Reform the reason a re-entry visa was refused to a person (details supplied) who has been residing and attending school in Ireland since March 1999, whose sibling is receiving a re-entry visa, and whose parents have been granted green cards from his Department granting them leave to remain in the State; if he will review the case again as a matter of urgency as the person has received summer holidays; and if he will make a statement on the matter. [23698/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was received in my Department on 1 October 2004 and sought a re-entry visa for a child whose parents have been granted leave to remain in the State. The visa officer who assessed the application was not satisfied with the information provided with the application, particularly regarding the immigration history and identity documentation in relation to the child.

The decision to refuse the visa was appealed and by letter dated 11 March 2005 the visa appeals officer sought additional information on the immigration history of the child, for example, details on the child’s entrance into the State. As this information was not provided the decision to refuse the re-entry visa was upheld by the visa appeals officer on 23 March 2005.

The applicant may of course submit a new application. However, the additional information which was sought during the examination of the initial application by the visa appeals officer should accompany any new application.

Garda Vetting Procedures.

501. Mr. English asked the Minister for Justice, Equality and Law Reform further to Questions Nos. 8 and 43 of 23 June 2005, the number of times and the frequency with which the implementation group meets; when the Garda vetting will be expanded to include youth and community workers both paid and non-paid; if he will provide information regarding arrangements in operation for the exchange of information with the United Kingdom; and if he will make a statement on the matter. [23699/05]

502. Mr. English asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question Nos. 8 and 43 of 23 June 2005, if there are measures in place to vet leaders, organisers and coaches that are running summer camps and sports camps for children ranging from five to 18 years in age by the Garda central vetting unit; and if he will make a statement on the matter. [23700/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to takes Questions Nos. 501 and 502 together.

The implementation group on Garda vetting, which is chaired by the Garda authorities, has met on six occasions to date since its first meeting in November 2004, with an average frequency of approximately one meeting every five weeks.

Regarding the exchange of information, I am informed by the Garda authorities that reciprocal arrangements are in place to facilitate direct contacts between the Garda Síochána and the police services of England, Wales, Scotland and Northern Ireland.

As previously advised, a phased extension of the current vetting arrangements to relevant sectors and groups involving the substantial, unsupervised access to children and vulnerable adults will take place, including to the kinds of client groups identified by the Deputy. It is not possible to provide precise dates for this phased extension but work within the implementation group is progressing apace in this regard.

Visa Applications.

503. Mr. N. O’Keeffe asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the problems being experienced by a person (details supplied) married to an Irish person for the past five years who has to apply for a holiday visa to re-enter Ireland every time they leave the country; if his attention has further been drawn to the fact that this person has to travel to Dublin on each occasion; and if he intends to amend the legislation to permit non-nationals married to Irish nationals exit and enter this country without such difficulties. [23701/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Marriage to an Irish national does not grant any automatic right to enter or reside in the State solely on that basis. A citizen of a visa required country, whether or not that person is married to an Irish national, is obliged to have a valid Irish visa on each occasion they arrive at the frontiers of the State. The person in question is a national of a visa required country.

The person was granted a multiple re-entry visa valid until 10 October 2005 on 1 November 2004. When this entry visa expires, it is open to the person to apply for a further multiple re-entry visa for a period of up to two years. The Deputy should note that it is possible to make applications for such a visa by post. The re-entry visa requirements for holders of valid registration cards will be reviewed by my Department in the context of the forthcoming Immigration and Residence Bill.

Citizenship Applications.

504. Mr. N. O’Keeffe asked the Minister for Justice, Equality and Law Reform if he will outline the criteria to me met by a non-national per-
son to apply and be approved for Irish citizenship. [23702/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are four ways in which a person born outside Ireland can obtain Irish citizenship, namely: by means of a grant as a token of honour; by descent; by naturalisation; or by marriage to an Irish citizen, that is, post-nuptial citizenship. It is assumed, for the purposes of this reply, that neither honorary citizenship nor citizenship by descent are relevant in this context. Accordingly, I will set out some general information about naturalisation and post-nuptial citizenship. However, without further details, I am not in a position to advise as to which method is appropriate to the circumstances of the person concerned.

On post-nuptial citizenship, a non-national married to a person who is an Irish citizen, otherwise than by naturalisation, post-nuptial declaration or honorary citizenship, may accept Irish citizenship as his/her post-nuptial citizenship by lodging a declaration not earlier than the three years from the date of the marriage or three years from the date on which the applicant's spouse became an Irish citizen, whichever is the later. The marriage must be subsisting and the couple must be living together as husband and wife at the time of the lodging of the declaration.

The continued availability of this process is finite. That is because it was repealed in the Irish Nationality and Citizenship Act 2001. However, it remains open to non-nationals who married prior to 30 November 2002 and who fulfil the statutory conditions, namely, three years marriage, etc. This window of opportunity will cease with effect from 29 November 2005. Persons who marry on or after 30 November 2002 or those who married prior to that date but who do not avail of the post-nuptial process prior to 29 November 2005 must apply for naturalisation in accordance with the provisions relating thereto.

With regard to naturalisation, the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. In the case of a non-national applicant who is the spouse of an Irish national, those conditions are that the applicant must be: of full age; of good character; married to the Irish citizen for at least three years; in a marriage recognised under the laws of the State as subsisting; living together as husband and wife with the Irish spouse; have had a period of one year's continuous residency on the island of Ireland immediately before the date of the application and, during the four years immediately preceding that period, have had a total residency in the State amounting to two years; intending in good faith to continue to reside in the State after naturalisation; and have made, either before a judge of the District Court in open court or in such a manner as the Minister, for special reasons, allows, a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State.

It should be noted that, in the context of naturalisation, certain periods of residence in the State are excluded. These include periods of residence in respect of which an applicant does not have permission to remain in the State, periods granted for the purposes of study and periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act 1996.

Further information and the necessary application forms may be obtained from my Department's website, www.justice.ie, or by telephoning the citizenship section helpline on Tuesdays or Thursdays between 10 a.m. to 12:30 p.m. at Lo-call 1890 551 500 or (01) 6167700.

Garda Transport.

505. Mr. Kenny asked the Minister for Justice, Equality and Law Reform if he will provide figures for the number of individuals killed or injured as a result of Garda car chases each year from 1997 to date; and if he will make a statement on the matter. [23703/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It has not been possible within the timeframe involved to collate the information required by the Deputy. I will contact the Deputy directly when information is to hand.

Visa Applications.

506. Mr. O'Dowd asked the Minister for Justice, Equality and Law Reform further to Question No. 610 of 14 June 2005, if documents will be returned to a person (details supplied) in County Louth; and if he will make a statement on the matter. [23705/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position relating to the residency application was advised in my reply of 14 June 2005 and has not changed. I assume the documents referred to are those that were withheld for examination in June 2004. Some of these documents remain in the custody of the Garda
Mr. McDowell.

Siochána. As the retention of these documents by the Garda Siochána is the subject of court proceedings it would not be appropriate for me to make a statement on this issue.

507. Cecilia Keaveney asked the Minister for Justice, Equality and Law Reform the position in respect of an application for a person (details supplied) in County Donegal; and if he will make a statement on this issue. [23706/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 14 March 2003 and applied for asylum. His application was refused following consideration of his 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, he was informed by letter, dated 16 February 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons he 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.

His 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.

Garda Operations.

508. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the results to date of Operation Anvil; and if he will make a statement on the matter. [23707/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 16 May the Commissioner initiated Operation Anvil, a special intelligence-led operation within the Dublin Metropolitan Region with additional resources made available to him. The primary focus of this operation is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting this criminal activity, through extensive additional overt patrolling, and static checkpoints, by uniformed mobile and foot patrols, supported by armed plain-clothes patrols.

Operation Anvil is in addition to ongoing Garda operations and is not causing them to be scaled back. While Operation Anvil applies to the Dublin region, similar Garda actions are taking place in the rest of the State under existing arrangements. The operation is operating for an initial four month period after which it will be reviewed.

I understand from the Garda authorities that as a result of the operation, 420 arrests have been made to date and 83 firearms recovered. A number of investigations are ongoing, and investigation files will be submitted for directions to the law officers in due course.

I am assured by the Garda Commissioner that the necessary resources are being directed towards the containment and detection of such serious criminal activity.

CAB Seizures.

509. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the reason the value of properties seized by the CAB between 1997 and 2004, with the exception of 2002, were considerably lower than the value of property seized in 1996; and if he will make a statement on the matter. [23708/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from the Garda authorities that the value of seizures was higher in 1996 than in subsequent years because the Criminal Assets Bureau was ready to take immediate action in a number of substantial cases as soon as the Proceeds of Crime Act 1996 was commenced.

Inquiries Into Garda Activities.

510. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the date the Assistant Garda Commissioner Carty’s report on allegations that members of the Garda Siochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998 was received by the then Minister for Justice, Equality and Law Reform. [23709/05]

511. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the date the appendices to Assistant Garda Commissioner Carty’s report on allegations that members of the Garda Siochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998 were received by the then Minister for Justice, Equality and Law Reform. [23710/05]

512. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the date the then Minister for Justice, Equality and Law Reform received the full investigation file of Assistant Garda Commissioner Carty’s investigation into allegations that members of the Garda Siochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998. [23711/05]

513. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the date the then Minister for Justice, Equality and Law Reform received Acting Garda Commissioner Noel Conroy’s 37 page synopsis dated 4 August 2000 of Assistant Garda Commissioner Carty’s investig-
gation into allegations that members of the Garda Síochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998. [23712/05]

514. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the date Assistant Garda Commissioner Carty’s report on allegations that members of the Garda Síochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998 was first received by him in his current position as Minister for Justice, Equality and Law Reform. [23713/05]

515. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the date the appendices of Assistant Garda Commissioner Carty’s report on allegations that members of the Garda Síochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998 was first received by him in his current position as Minister for Justice, Equality and Law Reform. [23714/05]

516. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the date Acting Garda Commissioner Noel Conroy submitted to the Department of Justice a 37 page synopsis of the Carty investigation file that were considered relevant to the State. [23715/05]

517. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the date the full investigation file of Assistant Garda Commissioner Carty’s investigation into allegations that members of the Garda Síochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998 was first received by him in his current position as Minister for Justice, Equality and Law Reform. [23716/05]

518. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if he will provide a copy of the then Minister of Justice, Equality and Law Reform’s May 2001 letter requesting advice as to the options available to him in comprehensively reviewing the Donegal situation while civil and criminal proceedings were pending, together with a copy of the schedule of documents attached to that letter. [23717/05]

519. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if and when the then Minister for Justice, Equality and Law Reform requested the Garda Síochána to deliver to the Attorney General the report of Assistant Garda Commissioner Carty’s investigation into allegations that members of the Garda Síochána attached to Donegal division engaged in criminal and unethical behaviour in the execution of their professional duties between 1991 and 1998; and if he will provide copies of any correspondence relating to any such requests. [23718/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 510 to 519, inclusive, together.

On 4 August 2000, Deputy Commissioner Conroy submitted to the Department of Justice a 37 page synopsis of the Carty investigation file which had been submitted the previous month to the Director of Public Prosecutions.

At that stage, in addition to the consideration by the Director of Public Prosecutions of criminal prosecutions, there were Donegal-related civil proceedings under way, and Donegal-related complaints with the Garda Síochána complaints board.

On 22 May 2001, the former Minister, Deputy O’Donoghue, wrote to me in my role as Attorney General on the allegations of criminal and unethical behaviour by some gardaí in Donegal. He made clear that he wanted to see the truth of the matter determined. He was of the view that the nature of the Donegal situation was such that it required a comprehensive review that would examine and report on all aspects without interfering with potential civil and criminal proceedings. In this regard, the Minister said that he would be pleased to have the benefit of the Attorney General’s preliminary advice as to whether he, the Minister, could proceed with any such examination, be it a sworn inquiry or otherwise, while civil and criminal proceedings were pending.

As Attorney General I replied with advice on 25 June 2001, making the preliminary point that neither I nor anyone in my office had seen the full report of Assistant Commissioner Carty. I set out the different options and the considerations attaching to each. I acknowledged that the establishment of a tribunal of inquiry was at first sight the most appealing course of action to take. However, my view was that the civil proceedings and criminal prosecutions pending should be allowed to run their course. I also recommended that, in the event of these proceedings being compromised or disposed of without the facts being fully ventilated, a tribunal of inquiry should be established to bring out the facts and to make recommendations. I emphasised that I was advising in the matter without the benefit of seeing the full Carty report, and I expressed the view that it was necessary for the Office of the Attorney General to see the report so as to advise and brief counsel in relation to pending civil actions against the State.

On 21 November 2001 those parts of the Carty investigation file that were considered relevant to the civil proceedings arising from the alleged incidents in the Donegal division were received by
the Department from the Garda Commissioner. The papers were copied and passed to the Attorney General’s office and to the legal team representing the State in the civil actions. The full Carty file was given to the Department by the Garda Commissioner in mid-January 2002.

Also in November 2001, Mr. Shane Murphy, SC, was requested to conduct a review of the papers in the Department and the Garda Síochána with a view to recommending how the matter might best be brought to finality. On 30 January 2002 he submitted his report. Mr. Murphy had access to documentation not seen by the Department or the Attorney General and gave a comprehensive account of the situation. While recognising the need to ensure that civil and criminal proceedings were not compromised, he endorsed the view that “a Tribunal of Inquiry represents the only comprehensive method of inquiry to resolve outstanding issues of fundamental public importance”. He included draft terms of reference in his report. These formed the basis of the terms of reference of the Morris tribunal itself when it was established in April 2002.

In February 2002 the Government approved in principle the establishment of a tribunal of inquiry and the drafting of a Bill to amend the Tribunals of Inquiry Acts to facilitate the holding of an inquiry, allowing a tribunal to hold part of its hearings in private if necessary so as to avoid prejudicing a criminal prosecution.

At all times both I as the Attorney General and the then Minister, Deputy O’Donoghue, were anxious that the matter should be fully inquired into and that the truth should emerge. The only issue was the possible prejudice to pending or potential criminal proceedings. That difficulty was eventually overcome by amendment of the legislation.

All the relevant files and papers within my Department, including those requested by the Deputy, have been provided to the tribunal and are now subject to its control and scrutiny.

Visa Applications.

520. Ms Lynch asked the Minister for Justice, Equality and Law Reform the reason a person (details attached) in County Cork has been refused an application for his spouse to join him while he completes his PhD studies in this country; if his attention has been drawn to the fact that this person has a proven income that is sufficient to provide for both of them while completing the studies; if these visas have previously been issued to persons in similar circumstances to this applicant; and if he will make a statement on the matter. [23720/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 521 and 522 together.

In the case of non-national military aircraft and-or chartered civilian aircraft transporting military cargo, the Garda Síochána is notified in advance of the arrival of all such flights and receives the manifest in respect of cargo.

As a matter of routine, physical checks are not conducted on such aircraft landing at Shannon Airport. However, the Deputy can be assured that the Garda Síochána would 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.

With particular regard to allegations of the unlawful transportation of munitions, I am informed by the Garda authorities that no reports of this nature have been received by the Garda Síochána and, consequently, no such investigations are being pursued.
Registration of Title.

523. Mr. Ring asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 244 of 22 June 2005, the outstanding queries for this issue; and the solicitor with whom these queries are outstanding (details supplied). [23725/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the solicitors with whom the last query was raised is Patrick J. Durcan and Co., solicitors, James Street, Westport, County Mayo. The detailed nature of these queries is a matter between the lodging party and the Land Registry and not in the public domain. However, I repeat the assurance that once a satisfactory reply is received, the matter will be completed as soon as possible.

524. Ms Shortall asked the Minister for Justice, Equality and Law Reform if he will provide a full explanation regarding the reason land owned by a person (details supplied) in County Donegal cannot be registered in the person's name by the Land Registry Office. [23760/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that there is no record of an application pending with the details supplied by the Deputy at present. If the Deputy can provide me with the date of lodgment of the application and a Land Registry reference number I will make further inquiries on her behalf.

Closed Circuit Television Systems.

525. Ms Shortall asked the Minister for Justice, Equality and Law Reform if he will report on the progress to date on the provision of closed circuit television in Finglas, Dublin 11; the reason for the delay; when he expects the system to be operational; and if he will make a statement on the matter. [23915/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that a key issue to be addressed in the installation of the Finglas Town Centre CCTV system is the provision of suitable accommodation to house the monitoring equipment.

It was initially hoped it could be accommodated in Finglas Garda station. However, this station is not of an acceptable standard and I have already stated that immediate priority is being given to providing a new Garda station there. A suitable site has been identified by the Office of Public Works on the Mellowes Road and I understand that the Office is in negotiation to agree the terms for the purchase. I am also advised that the brief of requirements for the planned new station in Finglas has been agreed and that provision will be made to include the requirement for CCTV monitoring in the new building.

In the interim, the Office of Public Works is negotiating the lease of a premises to temporarily accommodate the CCTV cameras in the Finglas area until such time as the proposed new station has been completed.

Child Care Services.

526. Mr. Haughey asked the Minister for Justice, Equality and Law Reform the measures he is taking to ensure adequate access to affordable child care; if new policy initiatives are being considered in this regard; and if he will make a statement on the matter. [23938/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government is firmly committed to supporting 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 quality centre-based child care places and in enhancing the awareness of quality issues across the entire child care sector but with special emphasis on child minders, who are key providers of non-centre-based child care in Ireland.

The Deputy is aware that there have been significant improvements in the provision of supports for the development of child care in recent years. Child care was identified as an investment priority under the National Development Plan 2000 — 2006. This was a direct response to the recommendations of the expert working group on child care established under Partnership 2000 to develop a strategy for the development and delivery of child care to support parents in employment, education and training.

The current equal opportunities child care programme, a seven year programme, has an equal opportunities and social inclusion perspective and facilitates the further development and expansion of child care facilities to address the needs of parents in reconciling their child care requirements with their participation in employment, education and training. It aims to increase the supply of centre-based child care places by 55% or some 31,000 places, by the end of the programme and I am happy to report that this target has been surpassed.

Since it was launched in 2000, the funding for the programme for the 2000 to 2006 period has increased from €317 million to €499.3 million, or by 57%, the most recent increase being €50 million in the budget of 2005. The multi-annual capital envelopes announced that 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.

Total funding committed since the programme commenced in 2000 is over €444 million, of which over €389 million has been allocated to child care facilities. This includes €45.6 million, which I announced last Wednesday, 22 June 2005. It is expected that the total funding allocated to child
care facilities will lead to the creation of some 39,900 new child care places. Of these, I am delighted to note that 24,600 new places were already in place by December 2004. These new places offer parents greater access to affordable child care throughout the country as they balance their work and family needs.

The Deputy should note that more than €150 million of the total funding committed has been allocated to staffing grant assistance. This provides support towards the staffing costs of employing child care workers in community-based child care centres in disadvantaged areas, ensuring that less advantaged parents in those areas have increased access to quality child care and that they are charged fees which are less than the economic cost of providing the service.

New policy initiatives to promote the supply of quality child care are under the remit of my Department and are under consideration on an ongoing basis. The Deputy may be aware that, on 22 June 2005, I launched a new policy initiative on the development of school age child care in Ireland. The report, entitled “Developing School Age Child care in Ireland”, makes a number of recommendations for the development of school age child care to support the needs of parents, including the use of school premises, where appropriate, as locations to develop a quality school age child care service. It also lays down guidelines for the delivery of a quality school age child care service. It is hoped that the publication of the report and its guidelines will spark local interest in the opportunities that exist to build such facilities. I also announced that I was making further funding available to the city and county child care committees to enable them to publicise the report locally and to identify school management authorities who might be interested in developing a service to complement and link with their school. New policy initiatives, such as this one, will help to ensure that parents have increased access to quality child care.

The programme also has a focus on many of the quality issues which were identified in the child care strategy and aims to ensure that there is a co-ordinated approach to the delivery of child care services throughout the country. I have also allocated more than €55 million to quality improvement measures, including funding to the city and county child care committees, funding to the national voluntary child care organisations, the national childminding initiative and the new partnerships for quality child care initiative.

This Government’s record in providing enhanced child care supports is without parallel and I am confident that we are moving rapidly to ensure that there are quality services available to parents throughout the country.

Citizenship Applications.

527. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the position in the matter of residency in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [23939/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In my response to Parliamentary Question No. 424 of 19 April last, I informed the Deputy that I had decided to refuse the application for a certificate of naturalisation by the person concerned. I also informed the Deputy of the basis for my decision; that the person, who had been granted refugee status, had not resided in the State for three years at the time he applied.

Furthermore, I informed the Deputy that had the person been continuously resident in the State between April 2001 and April 2005, that would constitute sufficient residency for the purpose of a new application. To date, there is no record in the citizenship section of my Department of a new application having been submitted.

Visa Applications.

528. Mr. English asked the Minister for Justice, Equality and Law Reform the position regarding a visa application (details supplied); and if he will make a statement on the matter. [23940/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was received in my Department on 2 June 2005. As processing times for visa applications are, on average, between four and six weeks, the applicant can expect a decision in this case within this timeframe.

Registration of Title.

529. Mr. Cregan asked the Minister for Justice, Equality and Law Reform the position regarding a householder who has lost house deeds; the agency under his Department which will provide a new set; and the way in which a person should process his or her requirements. [23941/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that there would appear to be a number of possible scenarios in the situation described by the Deputy and whether the property in question is registered or unregistered will be of particular relevance. In providing the following information, it is important to note that neither my Department nor the Land Registry has an advisory role in these matters and the person in question may wish to consult a solicitor in order to determine how to proceed.

If the property in question is unregistered, the safe storage of any documents relating to ownership is entirely a private matter and if lost, destroyed or mislaid there is no organisation which will replace them. While it may be that some party — possibly a solicitor, bank or building society — has retained a copy of the deeds for some reason, neither the Land Registry nor the Registry of Deeds has any role in this. I am informed that in such circumstances it is often the
practice to lodge an application for first registration with the Land Registry in order to establish title. The practice where one or all original deeds relating to unregistered property are lost or mislaid is, I am advised, comprehensively set out in Fitzgerald’s land registry practice and is also covered in the Land Registry’s practice direction No. 31, chapter 1 which is available on the Land Registry website at www.landregistry.ie under the section on practice directions.

I am further informed that if the title to the property is registered, on completion of the registration all original documents are permanently retained by the Land Registry and a folio is opened which is effectively the title to the property. Thereafter no deeds to that title exist. A registered owner is entitled to apply for a certificate of his title, — known as a land certificate, which is sometimes referred to as the title deed for registered property. Anyone is entitled to apply for a certified copy folio. However, only one land certificate can be issued. Where a land certificate is lost, an application for a duplicate can be made in accordance with the land registration rules of 1972 and the practice is also set out in Fitzgerald’s land registry practice and is also covered in the Land Registry’s practice direction No. 16, which is also available on the Land Registry website at www.landregistry.ie under the section on practice directions.

**Immigration Issues.**

530. Mr. Cregan asked the Minister for Justice, Equality and Law Reform the situation regarding Irish citizens who legally marry abroad and apply to bring their spouse here but encounter long delays with his Department; the length of time approval should take; the number of such applications made or approved in the past 12 months; if extra staff is required in the section; the number of such applications made or approved in the past 12 months; if the process currently takes approximately sixteen 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 here.

My Department’s primary concern in this matter is to maintain the integrity of the immigration system.

**Prison Programmes.**

531. Mr. Cregan asked the Minister for Justice, Equality and Law Reform the position regarding the €58 million provided in the national development plan for the connect project in the probation and prison area; the details of funding spent to date; the progress made; if the programme is on schedule; if it is being favourably viewed; and if he will make a statement on the matter. [23943/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The connect project was launched in 2000 as a part of the prison service training and development programme, amount-
[Mr. McDowell.]
ing to €58 million under the national development plan. The funding involved is provided annually by the exchequer as part of the prisons Vote. There is no separate budget for this programme. Expenditure since 2000 has been on funding salary and incidental costs incurred in providing vocational training in the prisons, as well as meeting the cost of some capital works and materials used in the manufacture of products in prison workshops for the Special Olympics in 2003.

The connect projects at Mountjoy Prison, the Dóchas Centre and the training unit were established with the support of the national training and development institute, NTDI, and are now capable of independent operation. A process of internal review during 2002 prompted a refocusing of the project, prior to its roll-out to further institutions. In particular, the review identified the need for new management structures in order to better support the project’s sentence management processes in the delivering institutions. Following this internal review, roll-out of the project commenced at Limerick Prison but was subsequently put on hold against the background of the current industrial relations and attendant financial difficulties.

The connect project has now resumed roll-out at Limerick Prison with renewed NTDI support and the projects at Mountjoy Prison, the Dóchas Centre and the training unit, which have been affected by the current industrial relations and financial restrictions, will resume full operation when there is a successful outcome to the industrial relations process.

Citizenship Applications.

532. Mr. Durkan asked the Minister for Justice, Equality and Law Reform if, as indicated in replies to numerous parliamentary questions, he generally refuses citizenship status to persons who have been in receipt of a social welfare payment in the past three years; if there are exceptions; and if he will make a statement on the matter. [23944/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I have informed this House on several occasions in the recent past in response to parliamentary questions, some of which were tabled by the Deputy, I have adopted a general policy that applicants for naturalisation, other than refugees, programme refugees or stateless persons, should have been supporting themselves and their families without recourse to State support for a three year period prior to applying for naturalisation and, furthermore, they must show, as far as is practicable, that they have the capacity to support themselves into the future. I apply this general policy to all applications for naturalisation unless the exceptional circumstances of a particular case suggest otherwise.

I have no plans to change this general policy at the present time.

Northern Ireland Issues.

533. Mr. S. Ryan asked the Minister for Justice, Equality and Law Reform if he will report on the application to the commission for justice in respect of a person (details supplied) in County Dublin; the current position regarding this application; and when the matter will be finalised. [23945/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from inquiries I have made with the Remembrance Commission, that an application under the scheme of acknowledgement, remembrance and assistance for victims in this jurisdiction of the conflict in Northern Ireland has been received from the person in question. I have also been informed that the applicant’s husband was fatally injured in an incident in Northern Ireland which resulted in the applicant suffering in a cruel manner. I have been informed that the application is being considered by the commission.

Closed Circuit Television Systems.

534. Mr. S. Ryan asked the Minister for Justice, Equality and Law Reform if he will report on the application for a much needed Garda closed circuit television system in Swords, County Dublin; when approval will be given; and when the system will be installed. [23946/05]

535. Mr. S. Ryan asked the Minister for Justice, Equality and Law Reform if he will report on the application for a much needed Garda closed circuit television system in Malahide, County Dublin; when approval will be given; and when the system will be installed. [23947/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to answer Questions Nos. 534 and 535 together.

I am informed by the Garda authorities that applications for Garda CCTV systems in Malahide and Swords have been received by the CCTV advisory committee. This committee was established by the Garda Commissioner to advise on all matters relating to CCTV systems. These applications are currently under consideration by the advisory committee along with applications from other towns throughout the country. However, it should be noted that there are currently approved plans for 17 Garda CCTV systems nationwide, six of which have been or are being installed. These will have to be completed prior to the initiation of future Garda CCTV projects.

I am anxious to accelerate the implementation of the CCTV programme and reduce, as far as possible, the workload of the Garda Síochána in this regard. The opportunity should be taken to outsource the installation of Garda CCTV systems to the greatest extent possible, making use not only of the technical but also of the project management expertise in the private sector. To that end, the Commissioner has been asked to submit proposals for the installation of CCTV in
the outstanding 11 locations in the current phase, with a view to achieving implementation in priority locations by the end of 2006. It is, understandably, not possible for the Garda Síochána to install CCTV systems in all areas that have sought them. With this in mind, I launched the community-based CCTV scheme earlier this month in response to the demonstrated demand from local communities across Ireland, such as Swords and Malahide, for the provision of CCTV systems. The purpose of the scheme is to support local communities who wish to install and maintain CCTV security systems in their area, with the aim of increasing public safety and reducing the risk of anti-social and criminal activity.

The scheme is designed to provide financial assistance to qualifying local organisations, towards meeting the capital costs associated with the establishment of local community CCTV systems. Under this scheme, individual communities will be able to avail of grant aid funding of up to €100,000 from my Department to install a CCTV system in their area.

I am also pleased to say that further to discussions between our respective Departments, my colleague, the Minister Deputy Ó Cuív of the Department of Community, Rural and Gaeltacht Affairs has given a commitment to provide successful applicants from RAPID areas with a further grant to a maximum of €100,000 subject to the total grant aid from both Departments not exceeding €200,000 or 100% of the capital costs of the project, whichever is the lesser.

These CCTV systems will have to be installed to a high-end technical specification and operated in compliance with a strict code of practice. Access to these CCTV systems will also have to be given to the Garda Síochána as required.

The scheme is being managed, on behalf my Department, by Area Development Management Limited, ADM. Communities who are not ready to apply for full scheme funding may apply for pre-development supports to assist in the formulation of high-quality proposals which will have the necessary elements of local support and sustainability.

Full details of the scheme, together with the relevant application forms and guidelines, are available on my Department’s website at www.justice.ie or the ADM website at www.adm.ie. They are also available directly from ADM, Holbrook House, Holles St., Dublin 2.

Immigration Issues.

536. Mr. Howlin asked the Minister for Justice, Equality and Law Reform if, in relation to a person (details supplied), his attention has been drawn to the fact that while this person’s passport has been returned, his Department is still holding other documentation despite requests for their return; if these documents will be returned to the person without further delay; and if he will make a statement on the matter. [23948/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the revised arrange-
regard to the circumstances of individual cash movements.

Speaking at the signing ceremony, I indicated that the full costs of this new code are not known yet. However, there will be costs for all stakeholders. For security reasons, it would be inappropriate to provide too much detail on how this money will be spent but it should be pointed out that a considerable upgrading of systems will be required by the major cash in transit security companies and by the financial institutions to comply with the code.

The Garda Commissioner is committed to providing resources for the setting up of a Garda technical advisory group which will provide the security competence and technical capacity to consistently and proactively assist stakeholders in identifying and designing solutions as required by the code. There will be no further resource implications for the State in implementing the code.

Implementation of the code of practice starts immediately and stakeholders have agreed to be fully compliant with all aspects of the code within 18 months.

Child Care Services.

539. Mr. Neville asked the Minister for Justice, Equality and Law Reform if grant assistance will be provided to construct a community-based child care facility at Broadford, County Limerick. [23951/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand an application for capital grant assistance under the equal opportunities child care programme, EOCP of 2000 — 2006, was submitted by this group to my Department in August 2004. This application was forwarded to Area Development Management Limited, ADM, which is engaged by my Department to carry out detailed assessments of all EOCP grant applications on my behalf. Each application for funding undergoes a thorough assessment by ADM to ensure that it meets the EOCP funding criteria.

I understand from inquiries I have made that this capital application is in the final stages of the assessment process, following which I will make a decision regarding funding. The group will be informed of the outcome in due course.

Garda Stations.

540. Mr. Stagg asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 132 of 16 June 2005, if he intends to keep open the existing 109 Garda district headquarters; if some will be closed to enable the placing of more gardaí on outside duties; which Garda district headquarters he has decided to close; and if he will make a statement on the matter. [23952/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are no plans at present to close any Garda district headquarters currently in operation.

Question No. 541 answered with Question No. 486.

Garda Strength.

542. Mr. Stagg asked the Minister for Justice, Equality and Law Reform the reason, if Garda figures nationally rose from 11,916 on 30 December 2003 to 12,245 on 1 June 2005, the number of gardaí serving in the Carlow-Kildare division fell by one in the same period, from 327 on 30 September 2003 to 326 on 1 June 2005; if the Carlow-Kildare division will be treated equitably in the allocation of Garda resources; and if he will make a statement on the matter. [23954/05]

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 Garda resources, including personnel, that the personnel strength of the Carlow-Kildare division as at 28 June, 2005, was 327, all ranks. This represents an increase of 35, or 12%, on the personnel allocated to the division since 31 December 1997. This compares with an increase of 1,277, or 11.6%, in the overall strength of the force in the period from 31 December 1997 to 1 June 2005.

Newly attested groups of probationer gardaí are allocated throughout the country four times each year. It should therefore be noted that the personnel strength of each division will fluctuate in between each allocation as a result of promotions, retirements and so on.

Garda management states that the situation will be kept under review and when the next group of probationer gardaí is being allocated the needs of the Carlow-Kildare Division will be fully considered.

Regarding Garda resources generally, I am very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Carlow-Kildare division will be fully considered in the context of the needs of Garda divisions throughout the country. Clearly, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities, such as the need to significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised...
that the additional gardaı ´ will not be put on administrative duties. They will be put directly into front line, operational, high visibility policing. They will have a real impact.

**Deportation Orders.**

543. Mr. F. McGrath asked the Minister for Justice, Equality and Law Reform if he will reconsider the deportation of persons (details supplied) and give them the maximum advice and support in dealing with their case. [23955/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no record of any deportation orders in respect of the persons referred to by the Deputy. However, it appears that their permission to remain in the State expired in July 2003. The persons concerned should contact the immigration division of my Department providing details of their activities in the State since that date.

**Sexual Offences.**

544. Ms Lynch asked the Minister for Justice, Equality and Law Reform his proposals to review the legislation which places a statute of limitation on sexual abuse cases in civil cases even when a guilty verdict has been returned in the criminal courts. [23956/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Statutes of limitation are not a feature of the criminal code of law, where the State, in the public interest, seeks to prosecute those who commit offences because the committing of such offences, which may result in injury to individuals, are an affront also to society at large, although the courts will prevent a prosecution from proceeding in particular cases where they are satisfied that because of the passage of time it would be unsafe to proceed.

By contrast, the civil law provides a means whereby an individual aggrieved by the actions of another can seek redress, in the context of the Deputy’s question, usually in the form of monetary compensation, for the wrong alleged. Given the wide application of the civil law and the need for certainty in how people may arrange their affairs, statutes of limitation are a feature of the civil law as it relates, in particular, to claims made by one private individual against another private individual or body for compensation for civil wrongs.

The limitation period for civil actions arising out of personal injury is generally three years from the date of the injury or, if later, the date on which the victim became aware, or could have become aware, of the injury. Where the injured person was under a disability at the time of the injury or of the date of knowledge, the three-year period does not start to run until the person is no longer under a disability. In this context, the term “disability” is used in a technical way as meaning either a person of unsound mind or a minor. Thus, for an injury done to a person as a child, the latest point at which the person can commence civil proceedings would generally be age 21, that is, three years after reaching the age of majority.

In 2000, the Statute of Limitations (Amendment) Act was passed on foot of a Private Members’ Bill proposed by Deputy O’Sullivan and supported by the Government. This Act made important changes to the Statute of Limitations 1957 as it relates to acts of sexual abuse done to a person while a child. As a result of that Act, a victim of child sex abuse is regarded as under a disability if, as a result of that abuse or any other act of the abuser, the person is suffering a psychological injury which substantially impairs his or her ability to make a reasoned decision in respect of bringing the civil action. Thus, the three-year period does not start to run in such cases until the victim has recovered sufficiently from the psychological injury to be able to decide whether to bring the action.

I am satisfied that this measure strikes an appropriate balance between the right of the victim of child sex abuse to seek redress from the perpetrator once he or she has overcome the trauma of that abuse sufficiently to be able to commence proceedings, on the one hand, and the rights of people generally to be protected against stale claims, on the other. The courts hearing such a claim are best placed to judge how the change made in the 2000 Act applies in the particular case and it is open to the parties to adduce evidence of whatever criminal proceedings may be relevant to the civil proceedings.

**Asylum Applications.**

545. Mr. G. Mitchell asked the Minister for Justice, Equality and Law Reform if he will re-examine or allow a further appeal in the case of a person (details supplied) seeking asylum; and if he will make a statement on the matter. [23957/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned, a Cameroon national, arrived in the State on 22 April 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.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, she was informed by letter, dated 14 June 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 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. To date, no representations have been received by or on behalf of the person concerned other than a letter from her solicitors seeking a copy of her file in order to determine whether she has a basis for seeking judicial review of her situation.

The position is that her case file, irrespective of whether she chooses to make representations, will be considered under section 3(6) of the Immi-
[Mr. McDowell.]

refoulement. I expect the file to be passed to me for decision in due course.

Equal Opportunities Child Care Programme.

546. Mr. Crawford asked the Minister for Justice, Equality and Law Reform the status of an application by a centre (details supplied) in County Monaghan for extension of after-school and créche facilities; when the funding will be made available; and if he will make a statement on the matter. [23958/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy may be aware that the group in question has been awarded staffing grant assistance of €254,061 to date, under the equal opportunities child care programme 2000 to 2006.

I understand that an application for capital grant assistance under the EOCP was submitted by this group to my Department some time ago. This application has been forwarded to Area Development Management Limited, which is engaged by my Department to carry out detailed assessments of all EOCP grant applications on my behalf. Each application for funding undergoes a thorough assessment by ADM to ensure it meets the EOCP funding criteria.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the present programme. Following discussions with the Minister for Finance, an additional capital provision of €90 million was made available, over the period 2005-09, in the context of the 2005 budget.

This brings the total funding available for the programme to €499.3 million and the amount set aside for capital developments to €205 million. The availability of the additional capital funding is enabling me to make capital grant assistance available to groups which can show that they address significant child care service gaps and where their project proposals represent good value for money when considered in respect of the current guidelines on building costs.

In the light of this, the group in question was advised in December 2004 that while their project had not been prioritised for immediate funding at that stage, it would be reconsidered for possible support in the future.

The ongoing assessment of the applications in the pipeline will be concluded as speedily as possible to facilitate the development of additional child care facilities and places at the earliest opportunity. When the assessment on the project in question is completed, the application will then be considered by the EOCP appraisal committee, chaired by my Department, before I make a final decision regarding funding. The group will be informed of the outcome in due course.

Garda Deployment.

547. Mr. Naughten asked the Minister for Justice, Equality and Law Reform the budget allocated to providing security for Government Ministers’ holiday homes both inside and outside the State in 2004; the budget allocated to providing this security in 2005; and if he will make a statement on the matter. [23959/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The assessment and provision of security for Government Ministers is a matter for the Garda Síochána. As the Deputy will appreciate, it is not in the public interest to disclose funding levels in respect of such security matters because this information may provide an indication of the level and kinds of security in operation.

Proposed Legislation.

548. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform if, in light of a refusal of leave to appeal to the Supreme Court on points of law of exceptional public importance, under section 29 of the Courts of Justice Act 1924 in circumstances where, in the decision of the Appeal Court an applicant seeks leave to appeal (details supplied), he will consider amending relevant legislation to enable courts not to refuse such applications for leave to appeal on the basis that the applicant had failed in the Appeal Court to argue that a new fact was absence of common design rather than coercion; and if he will make a statement on the matter. [23960/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have no plans to amend legislation in respect of the specifics of this case.

European Arrest Warrants.

549. Mr. Quinn asked the Minister for Justice, Equality and Law Reform the number of persons extradited from Ireland to the UK generally and to Northern Ireland specifically, on foot of the European arrest warrant since its introduction for terrorist and other offences; and if he will make a statement on the matter. [23962/05]

550. Mr. Quinn asked the Minister for Justice, Equality and Law Reform the number of persons extradited from Ireland to other EU countries on foot of the European arrest warrant since its introduction in respect of terrorist and other offences; and if he will make a statement on the matter. [23963/05]

551. Mr. Quinn asked the Minister for Justice, Equality and Law Reform if procedural difficulties have been encountered with requests from the United Kingdom with regard to the European arrest warrant; if so, the steps which have been taken to overcome them; and if he will make a statement on the matter. [23964/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 549 to 551, inclusive, together.

The European Arrest Warrant Act came into operation on 1 January 2004. Two persons have been surrendered from Ireland to the UK generally during this period. One of these was to
Northern Ireland. Neither of the cases was terrorism related.

There have been no persons surrendered to date to other EU countries on foot of European arrest warrants. A number of other surrender orders have been made by the High Court but the persons concerned have not been surrendered because they have appealed the decisions to the Supreme Court.

With regard to European arrest warrants received from the UK and other member states, it has been necessary in some cases to seek clarification in respect of certain matters or to seek additional information. It was also necessary, prior to the coming into effect of the Criminal Justice (Terrorist Offences) Act 2005, which amended the European Arrest Warrant Act 2003, to require certain undertakings in all cases before a warrant could be presented to the High Court for endorsement. Under the amendments contained in the 2005 Act, this is no longer necessary unless the court requests the undertakings.

### Racist Attacks.

552. [Aengus Ó Snodaigh](#) asked the Minister for Justice, Equality and Law Reform if a neo-Nazi group is now active and organising in Dublin; and if he will make a statement on the matter. [23965/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that there is no evidence to suggest that a neo-Nazi group is active in the Dublin area. However, I am further informed that, on 18 June last, a number of persons were arrested in connection with firearms offences. The associated Garda investigation is continuing in an effort to establish if the arrested persons have any links to such organisations either within or outside the jurisdiction.

553. [Aengus Ó Snodaigh](#) asked the Minister for Justice, Equality and Law Reform if he plans to toughen hate crime laws in response to the recent wave of anti-Semitic attacks in Dublin, which now average one a week. [23967/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Prohibition of Incitement to Hatred Act 1989 offers comprehensive protection to persons having hatred incited against them on account of their race, colour, nationality, religion, ethnic or national origin, membership of the travelling community or sexual orientation.

Public incitement to hatred, on any of the above grounds, is a criminal offence under section 2 and section 3 of the 1989 Act in terms of material, written or oral, which is threatening, abusive or insulting. The hatred can be incited through, for example, the publication or distribution or display of written material or the use of words or behaviour in any place other than inside a private residence where such written material, words or behaviour are threatening, abusive or insulting and are intended or are likely to stir up hatred. It is open to any person to bring an alleged breach of the provisions of the Act to the notice of the Garda Síochána.

The provisions of other Acts such as the Criminal Justice (Public Order) Act 1994, the Non-Fatal Offences Against the Person Act 1997 and the Criminal Damage Act 1991 can also be used to protect persons and their property against attack, including racist attack.

In the context of a review in my Department, I am monitoring the number of racist incidents, those that end up in the courts, the legislation under which persons are being charged and the outcome of proceedings in the courts. A thorough appreciation of the above is essential in deciding what, if any, criminal legislation is required that could offer further protection to persons who are the victims of race crimes. To assist me in the matter, the steering group of the national action plan against racism is also assessing the effectiveness of the current legislation. The group is in the process of arranging for research to be conducted into the legislation and related issues.

### Recidivism Rate.

554. [Aengus Ó Snodaigh](#) asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that research published since the 1950s has consistently found that good family support deters repeat offending; if his attention has further been drawn to the recent research funded by the EU Commission which emphasises the effectiveness of programmes supporting the families of drug dependent offenders; and if he will make a statement on the matter. [23968/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The study to which I believe the Deputy refers in his question, Supporting Families of Drug-Dependent Offenders, examined the level of support that was available to families of drug dependent offenders in four European countries. The purpose of the study was to find out what services were available and what services were valued or desired by offenders and their families. This study did not, I understand, examine the impact that such services may have on recidivism.

The need to develop family supports and guidance for families of substance abusers was highlighted throughout the consultation process of the recently published mid-term review of the national drugs strategy. It was felt that the family needs to be recognised as a support and a resource, as well as having their support needs addressed.

In this regard, the steering group overseeing the review recommended that the following action be included in the national drugs strategy in order to implement the recommendations in the 2004 national advisory committee on drugs report, Role of Family Support Services in Drug Prevention, namely, to increase the capacity of services to respond through an appropriate level of resources and training for staff in services; to strengthen inter-agency links and networks by building knowledge of local community issues and attitudes thus improving communications;
and to develop relevant monitoring and evaluation tools to measure effectiveness of services.

In addition, the mid-term review of the national strategy states that the national drugs strategy team should actively encourage the local drugs task forces and regional drugs task forces to prioritise the provision of family services in their areas; and support family support networks in their work in the area of information provision and assistance to local family support groups. The agencies responsible for this action are the Health Service Executive, the Department of Social and Family Affairs and the national drug strategy team.

One of the core values of the Irish Prison Service is to endeavour to help prisoners, where possible and appropriate, to maintain relationships with their families. The National and Economic and Social Forum, NESF, report on the reintroduction of prisoners — No. 22 of 2002 — makes a number of recommendations in regard to the provision of support to the families of prisoners and the Irish Prison Service continues to work in partnership with the probation and welfare service and other statutory, voluntary and community agencies and services to provide the best possible service and support to prisoners’ families.

New external visiting facilities have been provided in recent years at Castlerea, Mountjoy, Cloverhill, and the Midlands prisons, as well as at St. Patrick’s Institution. In addition, new internal visitor facilities have been provided at Castlerea, Cloverhill and the Midlands prisons. A new visitors’ reception centre was opened in mid-2004 at Limerick Prison and another was opened in early 2005 at Portlaoise Prison. The Society of St. Vincent de Paul and the Religious Society of Friends jointly manage, on behalf of the Prison Service, the visitors’ centres including creche facilities, at Mountjoy, Cloverhill and the Midlands prisons. The Bedford Row project manages the external visitors’ centre at St. Patrick’s Institution. The new visiting facilities at Portlaoise Prison are managed by the Irish Prison Service.

In addition to these developments, families are facilitated in participating in a range of programmes in areas such as addiction, specific offending behaviour programmes and pre-release programmes. The recommendation in the NESF report as regards a prisoner family support strategy will also inform the elaboration of positive sentence management.

My Department, through the probation and welfare service, provides funding to 69 voluntary bodies which provide a range of services to offenders in local communities, for example, pre-industrial training and education, offender management programmes, residential accommodation, drug and alcohol abuse treatment — intervention — awareness programmes, work with offenders in custody and post release, as well as providing a vital ingredient of a focused daytime programme for those found guilty of criminal offences by the courts and placed on supervision to the probation and welfare service.

A number of these projects, which work with drug dependent offenders, see it as being essential that parents and partners are active participants in the recovery programmes.

**Garda Investigations.**

555. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if he will report on the status of the inquest into the killing of Seamus Ludlow; and the status of the Garda case file in this matter. [23969/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that a preliminary hearing has been held by the Louth county coroner and that the inquest is due to be held on 5 September 2005 at the coroner’s office in Dundalk. I am informed by the Garda authorities that the coroner in question has requested a number of Garda files in this case, which have been provided to him.

**Treatment of Prisoners.**

556. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform his views on concerns raised in the third report by the Inspector of Prisons and Places of Detention that the Government has failed to invest in probation and other programmes to reduce recidivism; and his further views on the recent Amnesty International report finding that detention conditions do not comply with international standards due to the fact that they are overcrowded, lack adequate sanitation facilities and have insufficient education and employment programmes, that mentally ill patients continue to be held in prisons and that there is still no independent complaints mechanism for prisons as recommended by the European Committee for the Prevention of Torture. [23970/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The probation and welfare service operates under the aegis of my Department and has in the region of 430 staff and an annual budget of approximately €45 million. The objective of the service is to reduce re-offending and protect the public. It provides assessments on offenders to the courts and is responsible for the proposal and implementation of community sanctions. It also provides a probation service to prisons. My Department, through the service, provides funding to and works in association with 69 voluntary bodies in the provision of relevant services. The budget provision for assistance to voluntary bodies and their projects for the current year is €14.434 million.

The projects, which are made up of community groups and voluntary bodies, provide a range of services to offenders in local communities. I refer, for example, to pre-industrial training and education, offender management programmes, residential accommodation, drug and alcohol abuse treatment — intervention — awareness programmes, work with offenders in custody and post-release, as well as providing a vital ingredient of a focused daytime programme for those found guilty of criminal offences by the courts and
The effect is to make available to persons, as part of their supervision, access to intervention and facilities that might not otherwise be open to them because of their criminal histories. Many offenders fail to access or retain places in mainstream programmes or have become alienated from them, so they need the initial preparation of a positive learning experience from which they can move on to more specialised, community-wide services. For many too, particularly those released from custody, managed accommodation is vital to begin claiming social assistance, apply for training, commence employment, etc. With regard to the implementation of the Children Act 2001, Department of Finance sanction was obtained for an additional 30 staff for the probation and welfare service. Sections 78 to 87 of the Children Act 2001, which provide for a court-directed family conference convened by the probation and welfare service, were placed on a statutory footing with effect from 26 July 2004.

A pilot mentor project is due to commence shortly in the north Dublin area. The programme, located in the probation and welfare service office in Coolock, will serve as a model for the development of mentor — family support — orders provided for under sections 131 and 132 of the Act. Recruitment of staff for this new and innovative project has taken place with the employment of a co-ordinator and administrator. The programme will recruit volunteers who will act as mentors to young people who have been before the courts and are under the supervision of the probation and welfare service.

I understand from the Garda authorities that the policy of the Garda Síochána in respect of dealing with juveniles who offend is to consider the offender for inclusion in the juvenile diversion programme. The programme provides that, in certain circumstances, a juvenile under 18 years of age, who freely accepts responsibility for a criminal incident, may be cautioned as an alternative to prosecution. The Children Act 2001 placed this programme on a statutory footing and the relevant sections of the Act were commenced in May 2002.

The programme has proven to be highly successful in diverting young people away from crime by offering guidance and support to juveniles and their families. In the more serious cases, juveniles are placed under the supervision of Garda juvenile liaison officers, who are specially trained members of the Garda Síochána responsible for administering the programme at the local level. I am informed by the Garda authorities that in the year 2003, the Garda national juvenile office received 19,915 referrals, relating to 17,043 individual offenders, under the programme.

I have also been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that, as of 6 December 2004, there were 86 juvenile liaison officer gardaí and eight JLO sergeants working in the various divisions throughout the country. In addition, the national juvenile office has a staff of one superintendent, two inspectors and two sergeants.

Part 4 of the Children Act 2001 introduced the concept of restorative justice, specifically restorative cautioning and restorative conferencing, to the juvenile diversion programme. Essentially, these provisions provide for the inclusion, where appropriate and possible, of the victim, the juvenile’s family and the wider stakeholding community in the process of diversion. To facilitate these innovative developments, most of the Garda juvenile liaison officers have now received training in mediation skills, with advanced training being provided to selected officers. Since the commencement of the relevant part of the Children Act in 2002, and up to the end 2003, a total of 147 restorative justice events have been held. Early assessments indicate a high level of satisfaction from all those involved in the process.

In addition to the Garda juvenile diversion programme, there are in existence a total of 64 Garda youth diversion projects. These projects are a community-based, multi-agency crime prevention initiative which seeks to divert young persons from becoming involved — or further involved — in anti-social and-or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations.

As the Deputy may be aware, recent years have seen a dramatic increase in the number of these projects, from 12 in 1997 to 64 at present, a process made possible, in part, by funding under the National Development Plan 2000-2006. The locations of the new projects were decided upon according to local needs by the Garda authorities, in conjunction with my Department. Funding of €5.471 million has been allocated to these and related projects in the current year. These programmes are responsible, in part, for the significant reduction in recent years in the number of under-21 year olds being sent to prison.

Unfortunately, some Irish prisons, no less than prisons in many other jurisdictions in the developed world, suffer from overcrowding and poor living conditions. These are matters which were of concern to me and the prisons authority interim board prior to publication of either of the reports referred to in the question.

My priority is to proceed as quickly as possible with the replacement of Mountjoy, Portlaoise, and Cork prisons with new modern prison facilities. These are major long-term projects which will take a number of years to bring to fruition. I have availed of a number of recent opportunities to apprise the House of the significant progress already being made in relation to them.

I do not accept that education and employment programmes in Irish prisons are insufficient by international standards. The reality is that the participation rate of more than 50% in prison education in Ireland is regarded as being high by
international comparison and vocational training opportunities for prisoners, leading to accredited certification and marketable skills, is well on a par with what is available to prisoners in other jurisdictions. That is not, of course, to say that there is room for complacency. There is constant updating and review of prisoner programmes to take account of changing needs and opportunities. I might add that every effort is being made in the course of the current industrial relations situation in the prisons to minimise disruption to education and vocational programmes.

It is a fact that, as in other countries, persons with mental illness are committed to prison. In many cases, appropriate psychiatric care can be provided for such persons by visiting psychiatrists, including those from the Central Mental Hospital. What has been of particular concern to me is that prisoners who require inpatient psychiatric care are in a position to access such care within a reasonable time. In this regard, I welcome the allocation of additional funding to the Central Mental Hospital and the indication that a new 15-bed unit for the treatment of male prisoners is due to open in the near future and that the recruitment of 33 additional staff is under way.

The reference in the Amnesty International report to a complaints mechanism for prisoners refers to a recommendation of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT, that “complaints procedures should offer appropriate guarantees of independence and impartiality, and persons who may have been ill-treated should not be discouraged from pursuing a complaint”. The position is that prisoners already have a number of options in making complaints to independent and impartial persons and bodies, that is, the prison visiting committee, the Inspector of Prisons and Places of Detention, the prison chaplain, the prison doctor, the Minister and the CPT. Prisoners also have access to the courts and may complain to the European Court of Human Rights. Where allegations of assault or ill-treatment are involved, persons who may have been ill-treated should not be discouraged from pursuing a complaint. The point is that prisoners already have a number of options in making complaints to independent and impartial persons and bodies, that is, the prison visiting committee, the Inspector of Prisons and Places of Detention, the prison chaplain, the prison doctor, the Minister and the CPT. Prisoners also have access to the courts and may complain to the European Court of Human Rights. Where allegations of assault or ill-treatment are involved, persons who may have been ill-treated should not be discouraged from pursuing a complaint.

The Government accepts the right of Travellers to their cultural identity, regardless of whether it may be properly described as an ethnic group and is committed to applying all the protections afforded to ethnic minorities by the Convention for the Elimination of all forms of Racial Discrimination equally to Travellers. However, the Government did not conclude that Travellers are ethnically different from the majority of Irish people. The point also needs to be made that the Government is not alone in making this assessment. The 1995 task force report on the Traveller community, which consisted of Departments, civil society and Traveller representatives did not recommend that Travellers be identified as an ethnic minority.

### Departmental Expenditure.

558. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23983/05]

*Minister for Justice, Equality and Law Reform (Mr. McDowell):* The information requested by the Deputy is set out in the attached tabular statement in respect of the individual Votes within the Justice Group for 2004:

<table>
<thead>
<tr>
<th>Vote</th>
<th>Net Estimate Provision (€000)</th>
<th>Surplus to be Surrendered (€000)</th>
<th>Surplus to be Surrendered as a % of the Net Estimate Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice, Equality &amp; Law Reform</td>
<td>339,098</td>
<td>5,812</td>
<td>1.71</td>
</tr>
</tbody>
</table>
The surpluses to be surrendered are subject to audit at present and were derived from a range of subheads across the individual Votes in the justice group. The composition of the surpluses will be published later this year following completion of the audit of the 2004 accounts by the Comptroller and Auditor General.

559. Mr. O’Shea asked the Minister for Justice, Equality and Law Reform the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24017/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The costs of implementing the provisions of the Official Languages Act 2003 are met from my Department’s administrative budget and cannot readily be distinguished from the cost of providing services generally. The provision in respect of 2005 is expected to be sufficient to meet any needs arising in the current year.

Deportation Orders.

560. Mr. Gogarty asked the Minister for Justice, Equality and Law Reform the correspondence which has taken place with a person (details supplied) since June 2005. [24040/05]

561. Mr. Gogarty asked the Minister for Justice, Equality and Law Reform if he will postpone indefinitely, or postpone for a further fixed period, the deportation order placed on a person (details supplied); if this person will be granted a one year working visa; and if he will make a statement on the matter. [24041/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 560 and 561 together.

This person has instituted judicial review proceedings challenging the deportation order. Accordingly, as the matter is sub judice, I do not propose to comment further on it.

Road Traffic Offences.

562. Mr. Gogarty asked the Minister for Justice, Equality and Law Reform the number of prosecutions which have taken place for breaching the three tonne limit on Kennelsfort Road, Palmerstown, in 2005; the way in which this compares to the three previous years; and if he will make a statement on the matter. [24042/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the numbers of prosecutions for breaches of the three tonne limit on Kennelsfort Road, Palmerstown, for the years 2002 to 2005, inclusive, are shown on the attached table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Prosecutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>8</td>
</tr>
<tr>
<td>2003</td>
<td>2</td>
</tr>
<tr>
<td>2004</td>
<td>5</td>
</tr>
<tr>
<td>2005</td>
<td>48</td>
</tr>
</tbody>
</table>

Garda Disciplinary Proceedings.

563. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the number of criminal and civil cases which were begun in connection with allegations of criminal behaviour on the part of some gardaí in the Donegal division in which the State was either a party or was funding the legal costs of one or more of the parties; if he will identify these cases; when they were begun; the outcome of each of these cases; and the amount spent by the State on these cases between 1 August 2000 and 30 April 2005. [24057/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand from the Garda authorities that eight criminal cases were initiated in connection with allegations of wrongful behaviour on the part of some gardaí in Donegal division which have been the subject of debate recently in this House. Details are provided in appendix 1 of this reply.

A total of 89 plenary summonses in respect of civil actions have been served on the State in connection with the allegations of wrongful behaviour of members of the Garda Síochána in the Donegal division which have been the subject of debate recently in this House. Details of these cases, including the date the proceedings commenced, are set out in appendix 2 of this reply. There are another two cases where initiating letters have been received. Of the 91 cases received, one case only has been settled. In the circumstances, it would not be the practice to divulge the settlement terms agreed with the plaintiff concerned.
<table>
<thead>
<tr>
<th>Name</th>
<th>Date Arrest and Charge</th>
<th>Charges</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bernard Conlon 61, Cartron Bay Sligo</td>
<td>16/03/2001</td>
<td>Three charges under S.12(a) Criminal Law Act 1976</td>
<td>Convicted Sligo Circuit Court 21/03/2002 and on 05/06/2002 sentenced to three years suspended</td>
</tr>
<tr>
<td>Noel McBride Figart Raphoe Co Donegal</td>
<td>05/06/2001</td>
<td>Six charges under Section 12a &amp; 12b Criminal Law Act 1976 (knowingly making false statements &amp; thereby causing the time of the Garda Síochána to be wastefully employed)</td>
<td>At Special Sitting of Letterkenny Circuit Court 22/06/2004 found Not Guilty</td>
</tr>
<tr>
<td>William Doherty Doorable Manorcunningham Co Donegal</td>
<td>05/06/2001</td>
<td>(1) Six charges under Section 12a &amp; 12b Criminal Law Act 1976 (knowingly making false statements &amp; thereby causing the time of the Garda Síochána to be wastefully employed)</td>
<td>At Special sitting Letterkenny Circuit Court on 22/06/2004 William Doherty pleaded guilty to three charges as follows: (1) S. 12(a) Crim. Law Act 1976 False Statement to Gda J O Dowd Office (amendment) Act, 1951 as substituted by the Post and Telecommunications Services Act 1983 of sending a message that was menacing in character addressed to Frank McBrearty Snr. Of Tullyrap, Raphoe on the 5th November 1996 (2) S 13(1)(a) Post Office (Amendment) Act as substituted — and (3) Perjury On 22nd November 2004 sentenced as follows Charge (1) 3 years Charge (2) 2 years concurrent Charge (3) 2 years concurrent from 18/06/2004. A Nolle Prosequi entered on remaining charges</td>
</tr>
<tr>
<td>Derrick Connolly Craigs Road Raphoe Co Donegal</td>
<td>06/06/2001</td>
<td>One charge under Section 12(a) and one under Section 12(b) Criminal Law Act 1976 (Making false Statements)</td>
<td>Trial held at Letterkenny Circuit Court 21st-22nd May 2003 — Not Guilty</td>
</tr>
<tr>
<td>Sergeant John White Dreenan Ballybofey, Co Donegal</td>
<td>20/06/2001</td>
<td>Charge contrary to Section 27A(1) of the Firearms Act 1964 as inserted by Section 8 of the Criminal Law (Jurisdiction) Act 1976 and amended by Section 14 Criminal Justice Act 1984 and Section 4 of the Firearms &amp; Offensive Weapons Act 1990</td>
<td>Remanded on continuing bail to Letterkenny Circuit Court on the 4th October 2005 John White made application for Judicial Review to prohibit his trial proceeding in relation to this case at High Court on the 26/11/2004. The Application went for hearing on 31/05/2005 and following a three day hearing the Judge reserved judgement in the case</td>
</tr>
<tr>
<td>Roderick Donnelly</td>
<td>05/06/2001</td>
<td>Knowingly making false statement to D/Gda P Flynn. Section 12(a) of Crim. Law Act 1976. Wasting Garda time Section 12(b) of Crim. Law Act 1976</td>
<td>Trial held Letterkenny Circuit Court 6th February 2003 — Not Guilty</td>
</tr>
<tr>
<td>Sergeant John White Dreenan Ballybofey Co Donegal</td>
<td>18/07/2002</td>
<td>Three Charges under Section 12(a) Criminal Law Act, 1976 (Making False Statements) &amp; three charges of Attempting to pervert the course of Justice</td>
<td>At Letterkenny Circuit Court 11 January 2005 Jury directed by Judge O Donabhain to enter Not Guilty</td>
</tr>
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</table>
Civil Proceedings relating to Donegal Cases — Appendix 2.

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<tr>
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<th>Date</th>
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<tr>
<td>10.</td>
<td>Sean Crossan -v- The Commissioner of An Garda Síochána, Ireland and the Attorney General</td>
<td>November 1997</td>
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<tr>
<td>13.</td>
<td>Frank McBrearty Snr -v- The Commissioner of An Garda Síochána &amp; Others</td>
<td>October 2001</td>
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<td>15.</td>
<td>Frank McBrearty Senior -v- The Commissioner of An Garda Síochána, Ireland and The Attorney General</td>
<td>November 2001</td>
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<tr>
<td>Case Number</td>
<td>Description</td>
<td>Date</td>
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<td>33.</td>
<td>Thomas Coffey -v- Kevin Lennon, Denis Fitzpatrick, The Commissioner of An</td>
<td>March 2002</td>
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<td></td>
<td>Garda Síochána, Ireland and The Attorney General</td>
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<tr>
<td>34.</td>
<td>Anna Quinn -v- The Commissioner of An Garda Síochána, The Minister for</td>
<td>March 2002</td>
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<td></td>
<td>Justice, Equality and Law Reform, Ireland and The Attorney General</td>
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<tr>
<td>35.</td>
<td>Thomas Collins -v- Ireland and The Attorney General, The Minister for Justice,</td>
<td>May 2002</td>
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<td>Equality and Law Reform, The Commissioner of An Garda Síochána and John</td>
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<td></td>
<td>White</td>
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<td></td>
<td>Hugh Smith</td>
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<tr>
<td>37.</td>
<td>Timothy Collins -v- Ireland and The Attorney General, The Minister for</td>
<td>May 2002</td>
</tr>
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<td></td>
<td>Justice, Equality and Law Reform, The Commissioner of An Garda Síochána and</td>
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<td>Det. Sgt. James Leheny</td>
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564. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform if all statements given to the Garda regarding assault are thoroughly investigated; and if he will make a statement on the matter. [24070/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that complaints made to the Garda Síochána in respect of allegations of the kind referred to by the Deputy are thoroughly investigated by it in order to establish the facts of the complaint and to gather evidence in order to...

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<th>Name of Defendant(s)</th>
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[Mr. McDowell.]
determine if a prosecution is warranted for submission to the Director of Public Prosecutions.

Provisions for victims are made by a number of Government agencies as well as non-governmental organisations. The rights and entitlements of victims of crime in Ireland are set out in the victims charter, published by my Department in 1999, following extensive consultations with all relevant agencies including the courts, the Garda Síochána, the Prison Service, the probation and welfare service and the Director of Public Prosecutions.

The charter makes specific provision for particularly vulnerable victims, such as victims of sexual offences and domestic violence, elderly victims, victims with disabilities and children. It also contains specific provisions in respect of keeping victims informed of the outcome of their complaints and the progress and outcome of any criminal proceedings.

The Garda charter for victims of crime, which is included in the victims charter, sets out what a victim can expect from the Garda Síochána. Victims who are not satisfied with the investigation of their case or have inquiries, suggestions or feedback on any aspect of treatment of the victims of crime by any member of the Garda Síochána may contact the victim liaison officer, Community Relations Section, Harcourt Square, Harcourt Street, Dublin 2, telephone 01 6663802, or their local superintendent.

Crime Prevention.

565. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform if he intends to provide sufficient funding for the publication of neighbourhood watch newsletters; and if he will make a statement on the matter. [24071/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Neighbourhood watch was established in 1985 as a crime prevention measure for urban areas and there are approximately 2,600 neighbourhood watch schemes in operation nationwide. In common with other community schemes, it enlists the voluntary help of the community in co-operation with the Garda and is most suitable for urban areas.

Although no dedicated departmental financial allocations have been allocated for neighbourhood watch schemes in 2005, discussions are ongoing concerning the possibility of funding.

Decentralisation Programme.

566. Mr. Naughten asked the Minister for Justice, Equality and Law Reform if he will outline the timetable for the decentralisation of the Land Registry to Roscommon town; and if he will make a statement on the matter; and if he will make a statement on the matter. [24099/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the Government’s decentralisation programme, 230 posts in the Land Registry are scheduled to be relocated to Roscommon town. The Land Registry’s implementation plan in respect of this move is available on my Department’s website.

The selection process with regard to property solutions to fulfil the accommodation brief for the staff decentralising to Roscommon is progressing and the Office of Public Works is at an advanced stage of negotiations in acquiring a suitable site. The Deputy will also be aware that a significant element of the Land Registry was decentralised to Waterford some years ago.

Citizenship Applications.

567. Mr. Naughten asked the Minister for Justice, Equality and Law Reform, further to Question No. 689 of 12 April 2005, the status of the residency application; and if he will make a statement on the matter. [24106/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that residency has been granted to the person in question and that she was advised in writing of the decision on 21 June 2005.

Prison Building Programme.

568. Mr. McEntee asked the Minister for Justice, Equality and Law Reform the estimated cost of providing services including road access, water, sewerage and power to the proposed new prison complex at Thornton Hall, Killsallaghan, County Dublin; and if he will make a statement on the matter. [24144/05]

569. Mr. McEntee asked the Minister for Justice, Equality and Law Reform the estimated cost of additional land to provide for road access to the proposed new prison complex at Thornton Hall, Killsallaghan, County Dublin; and if he will make a statement on the matter. [24145/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 568 and 569 together.

Preliminary estimates of the cost of servicing the Thornton Hall site were prepared as part of the detailed site evaluation process which was carried out by engineering consultants on a number of sites. This placed the total estimated cost of providing mains water, foul sewer and power including gas and electricity to the site at €8.5 million.

Regarding the matter of road access, the existing access road has been assessed as adequate by the site evaluation report. The report, however, recommended some improvements to and upgrading of the road which will be pursued following consultations with the appropriate authorities.

Appointments to State Boards.

570. Mr. Quinn asked the Minister for Justice, Equality and Law Reform if he will provide a list of the vacancies on the boards of statutory or
State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled; and if he will make a statement on the matter. [24187/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the Censorship of Publications Board currently has one vacancy for a member due to the death of one of the members. The Irish Legal Terms Advisory Committee has two vacancies, one being for chairperson due to the resignation of Mr. Pádraig Ó hUiginn. The other vacancy is due to Mr. Justice Aindrias Ó Caoimh taking up a position in the European Court of Justice. The Criminal Injuries Compensation Tribunal has one vacancy due to Mr. Con Murphy being appointed as a judge.

The Public Appointments Service is currently running a competition for the appointment of chairperson of the Refugee Appeals Tribunal. The current occupant of the post was appointed on an interim basis in December 2003 following the retirement of the then chairperson. The closing date for applications was 23 June 2005. It is expected that an appointment will be made later in the summer.

In addition, the existing vacancies on the prison visiting committees are set out in the attached tabular statement:

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<tr>
<th>Name of Institution</th>
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<td>Arbour Hill Prison Visiting Committee</td>
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<td>Cloverhill Prison Visiting Committee</td>
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<td>Loughan House Place of Detention Visiting Committee</td>
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<td>Midlands Prison Visiting Committee</td>
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<td>Mountjoy Prison Visiting Committee</td>
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<td>Portlaoise Prison Visiting Committee</td>
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<td>Shelton Abbey Place of Detention Visiting Committee</td>
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<tr>
<td>St. Patrick’s Institution Visiting Committee</td>
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<tr>
<td>Training Unit Place of Detention Visiting Committee</td>
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<td>Wheatfield Prison Visiting Committee</td>
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A visiting committee is appointed to each prison under the Prisons (Visiting Committees) Act 1925 and Prisons (Visiting Committees) Order 1925. The legislation provides that each committee shall consist of at least six members and not more than 12 members. The minimum statutory requirement is currently being met in respect of the membership of all visiting committees to which appointments or reappointments are made on an ongoing basis.

Members of prison visiting committees are appointed for a term not exceeding three years. At that point they may either be reappointed for a further term or may be replaced by new members. The current vacancies arise due to the expiration of the terms of office of the persons concerned. It is hoped to fill the above mentioned vacancies as soon as practicable.

571. Mr. Quinn asked the Minister for Justice, Equality and Law Reform if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24201/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Vacancies are due to arise in the following bodies between now and 31 December 2005:

Name of Board/Statutory/State Body
- Courts Service Board
- Prison Visiting Committees
- Arbour Hill Prison Visiting Committee
- Cork Prison Visiting Committee
- Limerick Prison Visiting Committee
- Loughan House Place of Detention Visiting Committee
- Mountjoy Prison Visiting Committee
- Portlaoise Prison Visiting Committee
- Shelton Abbey Place of Detention Visiting Committee
- St. Patrick’s Prison Visiting Committee
- Training Unit Place of Detention Visiting Committee
- Garda Complaints Board — Appointment of Assistant Commissioner as member of Board
- Board of the National Disability Authority

In making appointments to these bodies, regard will be had for legislation specifically applicable to the body where the vacancies arise, as well as for the work of the bodies in question, and to the relevant public service guidelines regarding such appointments.

Asylum Applications.

572. Mr. Gogarty asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied); and if he will make a statement on the matter. [24208/05]
Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 29 March 2000 and applied for asylum. His application was refused following consideration of his 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, he was informed by letter, dated 5 November 2001, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons he 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.

His 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.

School Staffing.

573. Mr. Kehoe asked the Minister for Education and Science the position regarding an application requesting grant aid towards the provision of accommodation for an additional teacher for a school (details supplied) in County Wexford; if grant aid will be sanctioned for the required accommodation before the start of the school year 2005-06; and if she will make a statement on the matter. [23543/05]

574. Mr. Kehoe asked the Minister for Education and Science if she has received an application for funding towards the provision of accommodation for an additional teacher for a school (details supplied) in County Wexford; and if she will make a statement on the matter. [23544/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 573 and 574 together.

The major capital improvement works application form has been forwarded to the school authorities in question in recent days. The completed form has not yet been returned. The school is also due to submit an application for temporary accommodation to my Department.

On receipt of the completed applications the accommodation requirements of this school will be examined.

School Statistics.

575. Mr. Stanton asked the Minister for Education and Science the names and addresses of all primary schools in County Wexford; the names of the principals at same; and if she will make a statement on the matter. [23545/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is available on the home page of my Department's website at www.education.ie under education provider search.

576. Mr. Stanton asked the Minister for Education and Science the names and addresses of all secondary schools in County Wexford; the names of the principals of same; and if she will make a statement on the matter. [23546/05]

Minister for Education and Science (Ms Hanafin): I wish to advise the Deputy that the following is a list of all the post-primary schools in County Wexford, together with the details of the principal in each instance: FCJ secondary school, Buncloody, Enniscorthy — principal, Madeleine Ryan; FCJ, St. Mary's CBS., Millpark Road, Enniscorthy — principal, Mr. John Ryan; Coláiste Bride, Enniscorthy — principal, Mr. Thomas Sheridan; Christian Brothers secondary school, Mountgarrett, New Ross — principal, Mr. Raymond Murray; Good Counsel College, New Ross — principal, Fr. John Hennebry OSA; St. Mary's secondary school, Irishtown, New Ross — principal, Fr. Gene O'Sullivan; Our Lady of Lourdes secondary school, Rosbercon, New Ross — principal, Mr. Ken Moroney; Christian Brothers secondary school, Thomas Street — principal, Mr. Frank Duke; St. Peter's College secondary school, Summerhill — principal, Mr. Patrick Quigley; Loreto secondary school, Spawell Road — principal, Mr. William A O'Shea; Presentation Secondary School, Grogan's Road — principal, Ms G. Croke — acting principal; Colaiste Abbain, Adamstown, Enniscorthy — principal, Mr. Sean Lillis; Bridgetown Vocational College, Bridgetown — principal, Mr. Tony Power; Vocational College Buncloody, Buncloody — principal, Mr. William Corcoran; Vocational College, Enniscorthy — principal, Mr. Thomas Kelly; Kilmuckridge Vocational College, Kilmuckridge, Gorey — principal, Mr. Séamus Redmond; New Ross Vocational College, New Ross — principal, Pat Murphy; Wexford Vocational College, Westgate — principal, Edward O'Reilly; Ramsgrange Community School, Ramsgrange, New Ross — principal, Mr. Liam Fardy; and Gorey Community School, Esmonde Street, Gorey — principal, Mr. Nicholas Sweetman.

School Enrolments.

577. Mr. Kehoe asked the Minister for Education and Science the reviews she has carried out on primary and secondary education in Gorey, County Wexford; the findings of such reviews; the action she will take following the review; and if she will make a statement on the matter. [23547/05]

579. Mr. Kehoe asked the Minister for Education and Science the action she has taken since September 2004 to date in relation to the catchment area crisis in Gorey, County Wexford, for
pupils to attend a school (details supplied); the action she intends to take; and if she will make a statement on the matter. [23549/05]

582. Mr. Kehoe asked the Minister for Education and Science the action she will take in primary and secondary education to cater for the huge growth in population in Gorey, County Wexford, and the surrounding areas; and if she will make a statement on the matter. [23552/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 577, 579 and 582 together.

The school to which the Deputy refers is heavily over-subscribed 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 from 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.

The school planning section of my Department is currently examining educational provision at primary and post-primary level in the Gorey area. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for places. When this examination has been completed, my Department will bring forward plans as to how best the school accommodation needs of the area might be met into the future.

School Accommodation.

578. Mr. Stanton asked the Minister for Education and Science the names of each school in County Wexford which have applied for extra accommodation; and if she will make a statement on the matter. [23548/05]

Minister for Education and Science (Ms Hanafin): The information requested is not readily available in my Department. However, I will arrange for the information to be forwarded to the Deputy as soon as possible.

Question No. 579 answered with Question No. 577.

Departmental Reports.

580. Mr. Kehoe asked the Minister for Education and Science when this Deputy will receive a reply to parliamentary Question No. 307 of 22 June 2005; and if she will make a statement on the matter. [23550/05]

Minister for Education and Science (Ms Hanafin): The Deputy will appreciate that this information, in the detail required and over the period specified, is not readily available. Every effort will be made to have the material compiled and forwarded to the Deputy in the coming week.

School Accommodation.

581. Mr. Kehoe asked the Minister for Education and Science the action she will take in primary and secondary education to cater for the huge growth in population in Enniscorthy, County Wexford, and the surrounding areas; and if she will make a statement on the matter. [23551/05]

Minister for Education and Science (Ms Hanafin): The school planning section of my Department has received a number of applications for additional accommodation from schools in Enniscorthy. In response to these applications the school planning section will shortly undertake a review of provision in the area at both primary and post-primary level. This review will be completed later this year.

If a school has an immediate need for extra accommodation to cater for additional pupils, they can apply to my Department for temporary accommodation.

Question No. 582 answered with Question No. 577.

Special Educational Needs.

583. Cecilia Keaveney asked the Minister for Education and Science the position in relation to a review of an application for a special needs assistant for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [23553/05]

584. Cecilia Keaveney asked the Minister for Education and Science the position in relation to a review of an application for a special needs assistant for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [23554/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 583 and 584 together.

As the Deputy is aware, 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.

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.

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.

I can confirm that a review of SNA support has been completed at the school in question. The review has taken account of the level of SNA support currently in place for both pupils referred to by the Deputy. My officials will be communicating the outcome of the review to the school as quickly as possible.

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 6,000 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 Accommodation.

585. Cecilia Keaveney asked the Minister for Education and Science the progress which has been achieved for pupils, teachers and education infrastructure from June 2002 to June 2005; and if she will make a statement on the matter. [23555/05]

Minister for Education and Science (Ms Hanafin): The increased investment in education since 2002 has allowed major progress to be achieved for pupils and teachers and in the area of education infrastructure since 2002.

While progress has been achieved across a wide range of areas, at first, second and third level, particular areas of priority have been the provision of services for children with special needs and those from disadvantaged areas, increasing access to third level education and modernising our school facilities.

As regards education for children with special needs, the Deputy will be aware that since 2002, the Education for Persons with Special Educational Needs Act has been passed, the National Council for Special Education has been established, 71 local special needs organisers have been recruited and there have been major increases in staffing. Indeed, more than 1,100 extra teachers have been hired in the past year to work directly with primary school children with special needs. There are, in fact, now more than 5,000 teachers and almost 6,000 special needs assistants in our primary schools, catering for the education and care requirements of children with special needs.

A major emphasis has been placed on improving services for children and young people from socio-economically disadvantaged backgrounds. Last month I launched an action plan for educational inclusion. The new plan will mean more support than ever before to help children, involve parents and support teachers in disadvantaged areas so that every child can reach his or her full potential.

The new approach to tackling disadvantage will include better identification of levels of disadvantage in our schools and a single integrated programme of supports for schools with concentrated levels of disadvantage, which will bring together and build upon some ten existing schemes and initiatives. Each school in the programme will benefit from a package of supports, with the highest level of assistance being targeted at young people in the most disadvantaged schools.

Extra supports at primary level will include smaller classes, better supports for children during and outside of school time, targeted supports in the area of literacy and numeracy with a major focus on early intervention, and enhanced professional development for teachers.

At second level, measures will include more guidance counsellors, improved library facilities and greater curricular choice. The 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.

On third level participation among students from disadvantaged areas, I would like to point out the major increase in the level of the top-up grant since it was introduced in 2002. The maximum level of maintenance payable in 2005, including top-up, will be €5,355, compared to €4,000 in 2002 and compared to a maximum grant payment of just €2,032 in 1997. More than 11,000 students are benefiting from the top-up grant this year.

Unprecedented resources have been provided in recent years for the school buildings and modernisation programme. Between the start of 2002 and the end of 2004 over 220 large-scale primary and post-primary building projects were completed throughout the country. During this period, my Department also sanctioned 4,927 grants for small scale building works including grants for the purchase of furniture and equipment in schools. A further 130 large scale building projects are due to be completed this year. Nearly €500 million will be spent on school build-
ing projects in 2005, which includes: 122 large-scale projects to proceed to tender and construction over a 12 to 15-month period; over 170 schools to benefit under devolved initiatives to provide permanent accommodation solutions to the needs of small primary schools and those schools in need of additional classroom accommodation; over 740 schools to benefit with refurbishment works on a devolved basis under the summer works scheme; and design work commencing on large scale projects at 43 schools and progressing at a further 124 schools. These are just some of the areas in which major progress has been made since 2002.

Special Educational Needs.

586. Cecilia Keaveney asked the Minister for Education and Science the position in relation to the development of the cross-Border centre of excellence for autism in Armagh; and if she will make a statement on the matter. [23559/05]

Minister for Education and Science (Ms Hanafin): The joint launch last September by my predecessor and the Minister with responsibility for education in Northern Ireland of the Middletown Centre for Autism marked the successful completion of the purchase of the former St. Joseph’s Adolescent Centre, Middletown, County Armagh, on behalf of the Department of Education in the North and the Department of Education and Science in the South. Both Departments plan to refurbish the property to meet the needs of a centre of excellence for children and young people with autism throughout the island of Ireland. The centre will be dedicated to improving and enriching the educational opportunities of children and young people with autistic spectrum disorders.

Four key services will be provided by the centre: a learning support service, on a residential basis; an educational assessment service, a training and advisory service; and an autism research and information service.

Since the launch, my officials have had a number of meetings with their counterparts in Northern Ireland regarding the further development of the centre. A number of working groups are continuing to address the legal, financial, organisational and infrastructural aspects of the proposal. For example, work is continuing on the development of a campus masterplan for the Middletown property which, when complete, will guide the commissioning of any necessary infrastructure and refurbishment works. At this stage it is anticipated that the centre will be operational by autumn 2006.

Schools of Music.

587. Cecilia Keaveney asked the Minister for Education and Science the position in respect of progress on the Cork School of Music project; and if she will make a statement on the matter. [23560/05]

Minister for Education and Science (Ms Hanafin): I refer the Deputy to my reply to Question No. 710 of 28 June 2005.

I am happy to provide the Deputy with information on the recent progress made on this project. On 3 December 2004, Jarvis, which was appointed preferred bidder for the Cork School of Music project, announced that it had reached agreement with Hochtief Developments (UK) Ltd to purchase the PPP bidding arm of its business. Following the announcement, various issues surrounding the purchase were being completed and a revised proposal and documentation in connection with the project were received on 19 January 2005.

As Hochtief had replaced Jarvis as the main member of the bidding consortium it had to satisfy the Department that had it applied under the terms of the original PPP advertised in 2000 it would have been one of the consortiums that pre-qualified for the project. In addition to satisfying the pre-qualification conditions and in advance of any formal contract negotiations, in recent months my Department’s specialist advisers to the project had to undertake a full financial and legal due diligence to ensure that the new proposal met all EU procurement guidelines. Part of the due diligence process included contact with the relevant section of the EU Commission for clarification and advice on the procurement issue surrounding the change to the bidding consortiums.

Formal detailed contract negotiations are now at an advanced stage and, subject to the satisfactory completion of these negotiations, I expect to be in a position to make an announcement on the project in the near future.

Special Educational Needs.

588. Mr. Aylward asked the Minister for Education and Science if, in view of the additional posts in primary schools for resource teaching hours, special needs assistants will be approved for persons (details supplied) in County Kilkenny; and if she will make a statement on the matter. [23562/05]

Minister for Education and Science (Ms Hanafin): The Deputy will 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.

A total of 71 special educational needs organisers, SENOs, have been recruited throughout the country and are a focal point of contact for schools and parents. My officials have been advised by the NCSE that no formal application for special educational needs supports has been received from the school authorities for the pupils referred to by the Deputy. However, the local SENO is familiar with the pupils in question and is of the opinion that both pupils fall within the high incidence disability categories and their
needs, therefore, can be catered for from within the school’s general teaching allocation.

The general allocation for the school in question is 12.5 part-time hours. It is a matter for each school to determine the pupils with high incidence special education and learning support needs that will receive this support. 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 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 work done by the rest of the class in their absence. The point is that the type of response needed depends on the child.

Educational Schemes.

589. Mr. Howlin asked the Minister for Education and Science if her Department has received a letter dated 17 June 2005 from the principal of a school (details supplied) in County Wexford; her views on whether the contents of the letter have the most serious implications for continuity of educational provision in the town in which the school is situated; if she will accede to the request for an urgent meeting between this school’s board of management and officials of her Department; if resources required to maintain this school in operation will be provided by her Department; and if she will make a statement on the matter. [23563/05]

Minister for Education and Science (Ms Hanafin): I can confirm that my officials have received a copy of the letter referred to by the Deputy. The contents of the letter have been noted and arrangements will be made by my officials to contact the school authorities directly to discuss the issues of concern.

Special Educational Needs.

590. Mr. F. McGrath asked the Minister for Education and Science if an educational service will be funded for a person (details supplied) at Bangor in Wales; and if she will work closely with all relevant Departments in providing top quality education services here for pupils with autism. [23564/05]

592. Caoimhghín Ó Caoláin asked the Minister for Education and Science if she plans to exercise the powers of her office and approve, with immediate effect, the placement of a person (details supplied) at the autism specific facility at Bangor, Wales; and if she will make a statement on the matter. [23572/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 590 and 592 together.

I wish to advise the Deputies that my officials have worked closely with the Health Service Executive, HSE, northern area, to develop an appropriate placement for the person in question. This placement, at the Woodlawn centre in north Dublin, has met with the approval of the High Court and remains available to the person, should his parents be willing to consider sending him there. I believe that the care plan which has been offered by the State, is the best option for this young man, as it will meet the totality of his needs, by providing an integrated educational and health related support service to him on a residential basis.

The Woodlawn centre provides assessment, care, rehabilitation and education for individuals who have both a learning disability and other difficulties such as behavioural problems. An individual education plan will be drawn up to meet the young man’s needs and will be delivered by a specialist teacher with the support of the special needs assistant. I understand from the HSE that a person centred plan to provide for his care needs will also be drawn up and will be delivered by the appropriate support staff at Woodlawn. He will also have access to occupational therapy and speech and language therapy.

My officials remain committed to working with the family to ensure a positive outcome. On the quality of autism services available generally, the Deputies are aware that every effort is made to ensure that children with special educational needs, including autism receive an education appropriate to their needs. Decisions regarding the most appropriate model of response in each particular case are based on the professionally assessed needs of the individual child. Current provision for pupils with autism include 146 special classes for children with autism attached to special schools and mainstream schools have been created; 14 pre-school classes for children with autism have been established; 10 autism facilities, some of which are providing an applied behavioural analysis model of response to children with autism are being funded; and five special classes for children with Asperger’s syndrome have been created.

All such classes operate at a pupil teacher ratio of 6:1 with the support of a minimum of 2 special needs assistants. The level of resource teaching support provided to pupils with autism attending mainstream primary schools is based on the professionally assessed needs of the individual child. In general, such pupils would be eligible for five hours resource teaching support. In addition, my Department sanctions home tuition grants for children with autism for whom a home-based applied behavioural analysis, ABA, programme is considered appropriate or in cases where such
children are awaiting an appropriate school placement.

The Deputy will be aware that with effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over responsibility for processing resource applications for children with disabilities who have special educational needs and in particular it is responsible for the following: deciding on applications for resource teaching hours in respect of children with low incidence disabilities with special educational needs at primary level; deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant, SNA, hours; and processing applications for school placement in respect of children with disabilities with special educational needs.

Under the new arrangements, the council, through the local special educational needs organiser, SENo, will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on resource teaching and SNAs, the SENo will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs, including those in the area referred to by the Deputy, receive the support they require, when and where they require it. My Department is continuing to prioritise the development of the network of special educational provision for children with special needs, including those with autism, and I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of those services. It is my intention that my Department will continue to work closely with the Department of Health and Children in developing services for children with autism.

School Accommodation.

591. Caoimhghin Ó Caoláin asked the Minister for Education and Science if her attention has been drawn to the situation in Raheny, Dublin 5, regarding a crèche and a school (details supplied) in respect of the lack of classroom space; and if adequate classroom space will be provided in order that the crèche is not obliged to close. [23565/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 593 and 594 together.

The school to which the Deputy refers opened in provisional recognition from my Department in September 2004. During the period of provisional recognition, it is the responsibility of the school patron to provide interim accommodation. This accommodation must be capable of fully meeting the needs of the developing school until permanent recognition has been secured and my Department is in a position to acquire a site and provide a permanent school building.

Officials in the planning section of the Department are currently examining the question of the best possible use for the premises on the site of the former Sunday school. This examination will have regard to both the level and type of current and anticipated demand for primary and post primary educational provision in the Newbridge area.

School Staffing.

595. Ms Enright asked the Minister for Education and Science if she will allocate additional teaching hours to a school (details supplied) in County Kildare under curricular concessions or
under the additional provision for teachers in all Irish schools; and if she will make a statement on the matter. [23575/05]

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 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 applied for curricular concessions for the 2005-06 school year but following consideration of the application was not granted any further allocation.

An independent appeals committee is available to school authorities who wish to appeal the adequacy of their teacher allocation. The school in question appealed to this committee and has been granted 0.50 whole-time equivalent posts. Decisions of the appeals committee are final.

Vocational Education Committees.

596. Mr. Perry asked the Minister for Education and Science the reason a club (details supplied) received no funding and CURA supplied) received no funding and CURA

Minister for Education and Science (Ms Hanafin): The Pioneer Total Abstinence Association has contacted my Department with a proposal regarding youth work. This proposal is under consideration. I am aware that the Kilkenny branch of the association received a small grant in 2003 under the local youth club grant scheme, a small scale scheme administered on behalf of the Department by the VECs.

Departmental Correspondence.

597. Mr. G. Mitchell asked the Minister for Education and Science further to Parliamentary Question No. 737 of 14 June 2005; if she will address the issues raised with an official of her Department; and if she will make a statement on the matter. [23922/05]

Minister for Education and Science (Ms Hanafin): The information provided by the Deputy essentially relates to the disadvantaged status of the school and the introduction of the general allocation system for children with special educational needs.

I can confirm that the school referred to by the Deputy is included in the urban dimension of my Department's Giving Children an Even Break programme aimed at combating educational disadvantage. The school receives additional financial resources to provide educational supports to be targeted at disadvantaged pupils. The action plan for educational inclusion, Delivering Equality of Opportunity in Schools, DEIS, 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 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 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 the Department by the Educational Research Centre, is already underway. Questionnaires issued to all mainstream primary schools, including the school to which the Deputy refers 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, 300 rural 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.

As the Deputy is aware, a new general allocation scheme has been announced under which schools will be provided with resource 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 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 10 part-time hours. In addition, the school may be entitled to retain 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. I can also confirm that the school’s resource teaching allocation under the new
scheme is based on its status as a small mixed school, that is, the first post is allocated at 105:1. Schools whose allocations are based on 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 school is not eligible for such additional staffing and so does not qualify for the special 80:1 ratio for resource teacher allocation. The Department has received direct correspondence from the school in question on its general allocation and this is currently being examined by my officials.

School Transport.

598. Mr. English asked the Minister for Education and Science if her Department will give permission to a person (details supplied) in County Meath to travel on the school bus transport system; and if she will make a statement on the matter. [23923/05]

Minister for Education and Science (Ms Hanafin): My Department understands that the pupil referred to by the Deputy in the details supplied has only recently enrolled in the school in question. The pupil is not eligible for school transport to that school because she resides nearer to another school. The pupil may avail of concessionary fare-paying transport to the school in which she has enrolled subject to the written agreement of the board of management of the nearest school and provided there is a spare seat available on the school bus.

Schools Building Projects.

599. Mr. English asked the Minister for Education and Science the position regarding a school (details supplied) in County Meath; if she will review its case with a view to granting increased funding for this much needed project; and if she will make a statement on the matter. [23924/05]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme 2005 for primary school building works a grant of €440,000 was sanctioned to enable the management authorities of the school in question to provide additional permanent accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives them control of the building project.

My Department does not intend increasing the amount of the grant offered to the school. This is because a central tenet of the devolved scheme is that the school, granted discretion and funding, must equally accept responsibility for prioritisation, adherence to statutory regulations, control of costs, and ensuring value for money.

600. Mr. McHugh asked the Minister for Education and Science the position in respect of a project (details supplied) in County Galway; the reason for the delay in commencing construction works; the action she is taking to rectify the situation; when works will commence on this project; and if she will make a statement on the matter. [23925/05]

Minister for Education and Science (Ms Hanafin): The design work on the project, referred to by the Deputy, had been completed and tenders for the construction of the building advertised. However the matter could not be progressed further pending resolution of legal issues regarding the site.

The site for the school is being acquired by my Department under the terms of the Residential Institutions Redress Act 2002. The Department has accepted in principle a site which was offered under the terms of the property aspect of the indemnity agreement between the State and 18 religious congregations dated 5 of June 2002. I assure the Deputy that the provision of the new school building will be progressed as soon as the legal issues have been resolved.

Higher Education Grants.

601. Mr. Cregan asked the Minister for Education and Science the situation in relation to the basis of calculation of eligibility for third level maintenance grants; if income is that recorded on the P60 form; if allowance is made for outgoings, for example, mortgage payments; if not, the reason therefor; if she will consider a change or alteration in the basis by basing eligibility on net rather than gross payments (details supplied); and if she will make a statement on the matter. [23926/05]

Minister for Education and Science (Ms Hanafin): The assessment of means under my Department’s third level student maintenance grant schemes is based on gross income from all sources, with specified social welfare and health board payments being excluded from the calculation.

Under the schemes reckonable income is defined as income from employment or pensions; self-employment or farming; rent and income from land or property; deposit or investment accounts; maintenance arrangements; gifts, inheritances and disposal of assets and rights; and social welfare, in certain circumstances.

I have no plans at present to depart from the above practice in respect of the determination of income.

Schools Building Projects.

602. Mr. Cregan asked the Minister for Education and Science if she will examine a case (details supplied). [23927/05]

Minister for Education and Science (Ms Hanafin): Officials in the school planning and building section of my Department are aware of the issue raised by the Deputy pertaining to the school in question. This matter is currently being
examined and the school authority will be notified when a decision is made.

Special Educational Needs.

603. Mr. Kehoe asked the Minister for Education and Science if approval has been given for a saplings model school for children with autism in Carlow town; the conditions attached to same; the meaning of project status for the school; if a building programme can be undertaken while the school is still on project status; and the level of funding for the project. [23928/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has been given provisional recognition by the Department. The school is required to complete three years under provisional recognition before applying for permanent recognition. If the school is given permanent recognition it can then apply for a permanent building under the Department's capital programme.

604. Mr. G. Murphy asked the Minister for Education and Science if one to one resource teaching will be given to a person (details supplied) in County Cork. [23929/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has been given provisional recognition by the Department. The school is required to complete three years under provisional recognition before applying for permanent recognition. If the school is given permanent recognition it can then apply for a permanent building under the Department's capital programme.

Schools Building Projects.

605. Mr. G. Murphy asked the Minister for Education and Science when works will begin on a school (details supplied) in County Cork. [23930/05]

Minister for Education and Science (Ms Hanafin): An application for a new school has been received from the management authorities of the school referred to by the Deputy and has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners.

The proposed project at the school referred to will be considered in the context of the school building and modernisation programme 2005-09.

Special Educational Needs.

606. Mr. G. Murphy asked the Minister for Education and Science if one to one resource teaching will be given to a person (details supplied) in County Cork. [23931/05]

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 psychological assessments 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 immediately.

I confirm that, according to my Department's records, the pupil referred to by the Deputy falls within the high incidence disability categories. This information is based on a census completed by the school authorities in 2003 and his needs, therefore, can be catered for from within the school's general allocation.

The general allocation for the school in question is 17.5 part-time hours. It is a matter for each school to determine the pupils with high incidence special education and learning support needs that will receive this support. 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 judgment to decide how these hours are divided between different children in the school to ensure all their needs are met. I stress that there is nothing to stop the school from allocating one to one resource teaching to this pupil if it believes this is the best type of support to meet his needs.

The Deputy will also 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.

A total of 71 special educational needs organisers, SENOs, have been recruited throughout the country and are a focal point of contact for schools and parents. My officials have been advised by the NCSE that no application for SEN supports for the pupil referred to by the Deputy has been made to the SENOs. It is open to the school authority to formally make an application for SEN supports for the pupil in question should he be assessed as having a lower incidence disability.
Student Support Schemes.

607. Dr. Upton asked the Minister for Education and Science, further to Parliamentary Questions Nos. 149 of 14 April 2005 and 397 of 26 April 2005, the position on this matter. [23932/05]

Minister for Education and Science (Ms Hanafin): My Department is continuing its examination of the issues raised with regard to the eligibility of certain students for student support in respect of the person’s attendance at the barrister-at-law degree course at King’s Inns and related courses. This examination is expected to be completed in the coming weeks and I will advise the Deputy of the outcome.

Special Educational Needs.

608. Mr. Ring asked the Minister for Education and Science the category of a school (details supplied) in County Mayo in respect of special needs; the reason the school is not categorised as disadvantaged; the further reason there has been a reduction in its special needs resource hours; the number of resource hours it has had for the past three years; and the resource hours it will receive from September 2005. [23933/05]

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 receives additional financial resources to provide educational supports to be targeted at disadvantaged pupils.

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 immediately.

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. Furthermore, 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.

The general allocation for the school in question is 17.5 part-time hours based on an enrolment of 71. The school’s resource teaching allocation under the new scheme is based on its status as a small mixed school, that is, the first post is allocated at 105:1. Schools whose allocations are based on 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 school in question is not eligible for such additional staffing and so does not qualify for the special 80:1 ratio for resource teacher allocation.

It is a matter for each school to determine the pupils with high incidence special education and learning support needs who will receive this support. Each school will have enough resource teaching hours to provide its pupils with a level of support appropriate to their needs. In this regard, it should be noted that my Department has recently been informed by this school that six pupils who had individual allocations under the previous system have either left the school at this stage or will be leaving at the end of this school year.

609. Mr. Kehoe asked the Minister for Education and Science the learning support a person (details supplied) in County Wexford will receive when the school term resumes in September 2005; and if she will make a statement on the matter. [23934/05]

610. Mr. Kehoe asked the Minister for Education and Science the learning support a person (details supplied) in County Wexford will receive when the school term resumes in September 2005; and if she will make a statement on the matter. [23935/05]

611. Mr. Kehoe asked the Minister for Education and Science the learning support which a person (details supplied) in County Wexford will receive when the school term resumes in September 2005; and if she will make a statement on the matter. [23936/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 609 to 611, inclusive, together.

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.

The general allocation for the school in question is 2.5 part-time hours based on an enrolment of 15. It is a matter for each school to determine the pupils with high incidence special education and learning support needs who will receive this support. 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 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 work done by the rest of the class in their absence. The point is that the type of response needed depends on the child.

Schools Building Projects.

612. Ms Enright asked the Minister for Education and Science the progress in regard to the funding available to a new school (details supplied) in County Cork; the next step in the school’s progress. [23937/05]

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 — initial sketch scheme received. The stage submission is currently 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.

Departmental Expenditure.

613. Mr. Kenny asked the Minister for Education and Science the amount of her Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the Vote of this allocation which was returned to the Department’s budgetary allocation for 2004; the amount of her Department’s net allocation for 2004 was €6,454,881,000. The provisional surplus for 2004 is €145.2 million. Of this sum, €50 million relates to unspent capital moneys which were carried forward into 2005 and have subsequently been spent. Of the €95 million returned to the Department of Finance in 2004, €45 million of this was made up of ESF receipts received late in the year. As the ESF receipts had not been received by late in the year, my Department prudently sought a supplementary Estimate to cover the possibility that these might not be received before year end to avoid an overspend in the Department’s accounts for the year. When the ESF receipts came through before year end in 2004 they were then passed on to the Department of Finance.

As the Deputy will be aware, the point of the Supplementary Estimates process is to provide Oireachtas approval for whatever additional funding is required to avoid an excess, such as in circumstances in which expected ESF receipts might not arrive before year end. A further €17 million of the €95 million returned to the Department of Finance in 2004 is made up of other appropriations-in-aid. The latter are receipts which arise in the normal course of a Department’s ordinary business and may be retained by it to meet expenditure. Aside from ESF receipts, appropriations-in-aid can include pension contributions and rentals and proceeds from certain sales.

As the Deputy will be aware, the Oireachtas applies specific amounts of appropriations-in-aid to each Vote on an annual basis and these amounts are authorised in the annual Appropriations Act. If appropriations-in-aid in any one year exceed the amount provided for in an Estimate, the surplus cannot be used for additional expenditure and must be surrendered to the Exchequer unless the prior approval of the Dáil has been obtained by means of a Supplementary Estimate. Failure to secure prior Dáil approval will involve an excess Vote. It was not, therefore, available to my Department to spend these moneys. In effect, the real level of surrender for 2004 was, accordingly, about €33 million or 0.5% of the net allocations. The net surrender takes account of underspends and overspends throughout the Vote.

In looking at the real level of surrender for 2004, which I am sure the Deputy will accept is very low, it is important to remember some expenditure in my Department is necessarily demand led. The eventual cost of demand led expenditure items such as pensions or the student support schemes in a given year, for example, is obviously impossible to estimate with absolute accuracy at the start of the year. Taking all this into account, it is clear that my Department’s actual expenditure was extremely close to that estimated for as a result of strong financial management procedures.

The Deputy should note that at this point in time in the year the figures given above are pro-
visional pending completion of the audit by the Comptroller and Auditor General. His report and completed appropriation accounts will contain the final details on all sub heads and is scheduled to be published this coming September.

Schools Building Projects.

614. Mr. G. Murphy asked the Minister for Education and Science the stage of development of a new school (details supplied) in County Cork. [23991/05]

Minister for Education and Science (Ms Hanafin): Before committing significant capital resources to the planned new school, it is essential to confirm that the provision of a new second level school in the area is absolutely warranted. To consider the matter thoroughly, a review of second level provision in the area has been initiated in consultation with the school authority. This review will take into account factors such as current and projected pupil numbers at the school, the likely impact of housing developments and existing provision in the general area. A decision will then be taken on how best to provide for current and emerging needs.

Awards Scheme.

615. Ms Shortall asked the Minister for Education and Science if her attention has been drawn to the cessation of a transition year awards scheme (details supplied); and if, in view of the success of this scheme, she has plans for its replacement. [23992/05]

Minister for Education and Science (Ms Hanafin): Having attended the Form and Fusion Hanafin) scheme (details supplied); and if, in view of the success of this scheme, she has plans for its replacement. [23992/05]

Minister for Education and Science (Ms Hanafin): Before committing significant capital resources to the planned new school, it is essential to confirm that the provision of a new second level school in the area is absolutely warranted. To consider the matter thoroughly, a review of second level provision in the area has been initiated in consultation with the school authority. This review will take into account factors such as current and projected pupil numbers at the school, the likely impact of housing developments and existing provision in the general area. A decision will then be taken on how best to provide for current and emerging needs.

Special Educational Needs.

616. Mr. Naughten asked the Minister for Education and Science the number of primary schools nationwide which have lost permanent resource teaching positions as a result of the changes announced in special education at primary level in the DES circular NCSE 01/05. [23993/05]

617. Mr. Naughten asked the Minister for Education and Science the number of primary schools in County Roscommon which have lost permanent resource teaching positions as a result of the changes announced in special education at primary level in the DES circular NCSE 01/05. [23994/05]

618. Mr. Naughten asked the Minister for Education and Science the number of primary school children in the two-year period, 2003 to 2005, who, following psychological assessment, were deemed eligible for one to one resource support but have not had their applications sanctioned pending a review of the system; and if these applications for one to one support are now invalid according to the regulations of Department circular NCSE 01/05. [23995/05]

619. Mr. Naughten asked the Minister for Education and Science the number of primary school children in County Roscommon in the two-year period, 2003 to 2005, who, following psychological assessment, were deemed eligible for one to one resource support but have not had their applications sanctioned pending a review of the system; and if these applications for one to one support are now invalid according to the regulations of Department circular NCSE 01/05. [23996/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 616 to 619, inclusive, together.

The specific information requested by the Deputy on the number of rural primary schools in County Roscommon and nationwide that have lost permanent resource teaching support is not readily available in my Department. Circular 01/05 refers to the establishment of the National Council for Special Education, NCSE. The NCSE became operational from 1 January 2005 and is responsible for processing applications for special educational needs, SEN, supports in primary schools and special schools.

The Deputy will also be aware that 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 immediately.

Under the new arrangement, disadvantaged schools, boys schools and mixed schools get extra resources because 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. Of these, 340 are permanent posts and 320 are temporary
posts being provided to ensure children who had been given an individual allocation of resource teaching hours by my Department will keep these in circumstances in which 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 the 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 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 they are given resource teaching hours on a more favourable basis.

I confirm for the Deputy that where a pupil has a high incidence disability, that is, mild or borderline mild general learning disability, dyslexia or a learning support need, these needs will now be catered for from within the general allocation system recently announced to schools. Any pupils within these categories for whom applications were previously submitted to my Department now fall to be catered for from within this allocation. The school can use its professional judgment to decide how these hours are divided between different children in the school to ensure 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 who need it, it is important to note that one to one teaching is not the best option for every child.

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. 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 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 educational needs.

### Third Level Institutions.

620. Mr. Cregan asked the Minister for Education and Science the number of medical students per year admitted to universities or institutions here; the breakdown between Irish and European Union nationals and non-EU nationals; if, in view of the shortage of Irish doctors, the numbers will be increased; and if she will report on the matter. [24004/05]

Minister for Education and Science (Ms Hanafin): The figures for the new entrants to the medical schools in Ireland for the 2003-04 academic year can be seen in the following table.

As the Deputy will be aware, a working group on undergraduate medical education and training, representative of education and health interests, has been reviewing the organisation and delivery of medical training and education in Ireland. I anticipate that the full report of the working group will be available shortly and it is my intention to consider the broad range of recommendations that are expected, in consultation with my colleague, the Tanaiste and Minister for Health and Children. The question of increasing the numbers of places available in medical schools will be reviewed in this context.

New Entrants to Year 1 and Year 2 of Medicine courses by Origin for the academic year 2003/04 (census date March 04).

<table>
<thead>
<tr>
<th></th>
<th>Year 1</th>
<th></th>
<th>Year 2</th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ireland</td>
<td>Other EU</td>
<td>Non EU</td>
<td>Total</td>
<td>Ireland</td>
</tr>
<tr>
<td>UCD</td>
<td>80</td>
<td>5</td>
<td>20</td>
<td>105</td>
<td>17</td>
</tr>
<tr>
<td>(7 PMC)</td>
<td>(42 PMC)</td>
<td></td>
<td></td>
<td></td>
<td>(49 PMC)</td>
</tr>
<tr>
<td>UCC</td>
<td>59</td>
<td>2</td>
<td>61</td>
<td>122</td>
<td>0</td>
</tr>
<tr>
<td>TCD</td>
<td>54</td>
<td>3</td>
<td>15</td>
<td>72</td>
<td>0</td>
</tr>
<tr>
<td>NUIG</td>
<td>53</td>
<td>2</td>
<td>21</td>
<td>76</td>
<td>0</td>
</tr>
<tr>
<td>RCSI</td>
<td>8</td>
<td>2</td>
<td>115</td>
<td>125</td>
<td>17</td>
</tr>
<tr>
<td>Total</td>
<td>254</td>
<td>14</td>
<td>232</td>
<td>500</td>
<td>35</td>
</tr>
</tbody>
</table>

**Note 1:** PMC Penang are included in these figures but separately identified in brackets.

**Note 2:** UCD Year 1 means 1st Year of a six year programme, Year 2 means 1st Year of a five year programme.

**Note 3:** UCC All students go into Year 1 of a 5 year programme.

**Note 4:** Origin is based on fee status.
621. **Mr. O’Shea** asked the Minister for Education and Science the amount her Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; her estimate of the amount which her Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if she will make a statement on the matter. [24018/05]

**Minister for Education and Science (Ms Hanafin):** To date, my Department has spent €44,310.68 on English- Irish translation services. Not all of this is attributable to the Official Languages Act as under section 10, the type of documents which must be published in the Irish and English languages simultaneously include the following: any document setting out public policy proposals; annual reports; audited accounts or financial statements; and strategy statements.

Aside from its statutory obligations under the 1998 Education Act, my Department is conscious of its Irish speaking customer base. Traditionally, documents such as circulars, application forms and reports have always been available in both languages. For this reason, it is not possible to separate out from the €44,310.68, the exact amount that is attributable to the Official Languages Act alone.

For the remaining six months of the year, the estimate of costs includes both translation services and a language skills training programme for administrative staff and will be in the region of €55,000.

622. **Mr. Gogarty** asked the Minister for Education and Science the amount of funding spent annually on school transport for primary pupils with and without special needs; the proportion of this spent on students accessing Dublin schools; and if she will make a statement on the matter. [24027/05]

623. **Mr. Gogarty** asked the Minister for Education and Science the amount of funding spent annually on school transport for second level pupils with and without special needs; the proportion of this spent on students accessing Dublin schools; and if she will make a statement on the matter. [24028/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 622 and 623 together.

The total expenditure on school transport services in 2004 was €109,845 million. The actual divide of expenditure between the primary and post-primary sectors, or by county, is not readily available. The most recent figures available indicate that about 30% of the budget is being expended on transport and grants for children with special needs who represent about 6% of the overall number of children carried.

624. **Mr. Gogarty** asked the Minister for Education and Science if her Department plans to open negotiations with a company (details supplied) regarding the purchase of a site adjacent to St. Andrew’s national school, Lucan, County Dublin; and if she will make a statement on the matter. [24029/05]

**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 management authorities referred to by the Deputy. The management authority of this school informed my Department that it had approached a local developer who had expressed an interest in acquiring the existing school site as part of an arrangement which would allow the school to secure a new green field site. Officials in my Department recently requested an update on these discussions.

**Departmental Expenditure.**

625. **Mr. Gogarty** asked the Minister for Education and Science the grants which have been awarded for all schools in the Rathcoole area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24030/05]

626. **Mr. Gogarty** asked the Minister for Education and Science the grants which have been awarded for all schools in the Saggart area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24031/05]

627. **Mr. Gogarty** asked the Minister for Education and Science the grants which have been awarded for all schools in the Brittas area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24032/05]

628. **Mr. Gogarty** asked the Minister for Education and Science the grants which have been awarded for all schools in the Newcastle area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24033/05]

629. **Mr. Gogarty** asked the Minister for Education and Science the grants which have been awarded for all schools in the Clondalkin area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24034/05]

630. **Mr. Gogarty** asked the Minister for Education and Science the grants which have been awarded for all schools in the north Clondalkin area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24035/05]
631. Mr. Gogarty asked the Minister for Education and Science the grants which have been awarded for all schools in the Palmerstown area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24036/05]

632. Mr. Gogarty asked the Minister for Education and Science the grants which have been awarded for all schools in the Lucan area in 2005 for building and refurbishment works; the major works which remain outstanding; and if she will make a statement on the matter. [24037/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 625 to 632, inclusive, together.

I will arrange for a response to the queries to be forwarded to the Deputy at an early date.

School Transport.

633. Mr. Gogarty asked the Minister for Education and Science the position regarding plans to replace older buses. [24038/05]

Minister for Education and Science (Ms Hanafin): The average age of the Bus Éireann large capacity school bus is 16 years and the average age of all buses used for school transport is 11.5 years. It must be emphasised that an older bus does not mean an unsafe bus. No bus which is unsafe or dangerous is allowed onto the road to carry children. 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.

In addition, Bus Éireann vehicles are subject to a programme of scheduled servicing under specified maintenance procedures to ensure that 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.

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, the Bus Éireann school bus fleet currently has some 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.

634. Mr. Gogarty asked the Minister for Education and Science the position regarding the study of comparable safety on school buses related to the various types of seat belts versus the compartmentalisation method. [24039/05]

Minister for Education and Science (Ms Hanafin): 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 the Department of Education and Science in consultation with the Department of Transport and Bus Éireann. These considerations will be guided by expert advice.

National Educational Welfare Board.

635. Mr. Cuffe asked the Minister for Education and Science the number of available positions on the National Educational Welfare Board which have been filled; and if she will make a statement on the matter. [24058/05]

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 terms of the Education (Welfare) Act 2000 state that the board is comprised of a chairperson and 12 ordinary members, of whom one is the chief executive officer of the NEWB. Five ordinary members are appointed by the Minister after consultation with national associations of parents, school management organisations, the educational welfare officers, the voluntary sector and trade unions and staff associations representing teachers. The remaining six ordinary members are also appointed by the Minister following consultation with the Ministers for Health and Children, Justice, Equality and Law Reform, Social and Family Affairs, Enterprise, Trade and Employment and Arts, Sport and Tourism, and from among persons who in the opinion of the Minister have a special interest and expertise in matters relating to the functions of the Board. There are currently no vacancies on the National Educational Welfare Board.
School Accommodation.

636. Mr. Naughten asked the Minister for Education and Science her plans to address the severe overcrowding in a school (details supplied); if she will approve a temporary building pending the approval of a permanent structure; and if she will make a statement on the matter. [24093/05]

Minister for Education and Science (Ms Hanafin): To alleviate the school’s immediate accommodation difficulties, the board of management of the school referred to by the Deputy has been formally notified of the Department’s approval of grant aid towards the rental of temporary accommodation at the school.

The application for improved permanent accommodation has been 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.

Schools Building Projects.

637. Mr. Naughten asked the Minister for Education and Science if she will review the ongoing delay in progressing a project (details supplied); if she will expedite the project; if she will meet with a deputation from the school; and if she will make a statement on the matter. [24098/05]

Minister for Education and Science (Ms Hanafin): The new school building referred to by the Deputy was listed to proceed to tender and construction as part of the 2004 school building programme. The design work on the project has been completed, however, progress on the next stages, tendering/construction work, must await resolution of legal issues regarding the site.

The site for the school is being acquired by my Department under the terms of the Residential Institutions Redress Act 2002. The Department has accepted in principle a site at Mohill which was offered under the terms of the property aspect of the indemnity agreement between the State and 18 religious congregations dated 5 June 2002. To clarify the value of the site the Department referred the matter to an independent expert in accordance with the terms of section 9 of the agreement.

The Society of Chartered Surveyors has appointed an independent expert who is in the process of assessing the value of the site. Following the outcome of this process the matter of the transfer of the legal title will be addressed.

Decentralisation Programme.

638. Mr. Naughten asked the Minister for Education and Science the time table for the decentralisation of sections of her Department to Athlone; and if she will make a statement on the matter. [24101/05]

Minister for Education and Science (Ms Hanafin): Tenders have recently been sought for the design and construction of new accommodation for the decentralisation of over 100 of my Department’s staff to Athlone. While it is difficult at this early stage to give an exact timetable for the completion of construction, it is estimated that the new buildings should be ready for occupation before the end of 2007.

Third Level Funding.

639. Mr. Naughten asked the Minister for Education and Science the average cost per annum of an IT and university college place respectively; and if she will make a statement on the matter. [24102/05]

Minister for Education and Science (Ms Hanafin): Due to the varied costs associated with undergraduate courses in the university sector, the Department does not have an overall unit cost per student. However, the estimated average recurrent cost to the State for the more common undergraduate courses of arts, business, science and engineering is €7,000 per student per year. As there are higher costs associated with some courses, the unit costs to the State would be higher, for example the estimated unit cost per student to the State in respect of medicine in the university sector is €8,500 per annum.

A unit cost system of allocating funds to the institutes of technology has not yet been developed. The annual budget for each institute of technology is allocated on the basis of its total pay and non-pay requirements following consideration of its annual programmes and budget submission which is required under the RTC-DIT Acts. The allocation takes into account the complexity of the institute, the range of courses and facilities offered to students, the total number of students — both full-time and part-time — and the nature of the infrastructure. Decisions on the allocations also have regard to Government policy and priorities.

Schools Building Projects.

640. Mr. Naughten asked the Minister for Education and Science if she will meet with a deputation from a college (details supplied) in County Roscommon; and if she will make a statement on the matter. [24108/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has an application with the Department for an extension. The project has been assessed in accordance with the published prioritisation criteria. It will be considered in the context of the school buildings and modernisation programme 2005-09. It is not my intention to meet with a deputation from the school as it would not serve any useful purpose at this time.

Appointments to State Boards.

641. Mr. Quinn asked the Minister for Education and Science if she will provide a list of the vacancies on the boards of statutory or State
bodies and other statutory appointments which currently exist and which must be made by her or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24188/05]

Minister for Education and Science (Ms Hanafin): In appointing persons to the boards under my aegis, I follow the guidelines set out in the Cabinet handbook regarding eligibility, transparency and gender balance. The information which the Deputy sought follows.

Current Vacancies on Governing Bodies of Institutes of Technology.

<table>
<thead>
<tr>
<th>Institute</th>
<th>Number of Vacancies</th>
<th>Reason for vacancies</th>
<th>When vacancies will be filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blanchardstown</td>
<td>1</td>
<td>Resignation</td>
<td>By first week in July 2005</td>
</tr>
<tr>
<td>Carlow</td>
<td>1</td>
<td>Outstanding nomination for new governing body</td>
<td>As soon as possible after nomination received from VEC in accordance with legislation</td>
</tr>
<tr>
<td>Dundalk</td>
<td>17</td>
<td>New governing body to be appointed</td>
<td>As above</td>
</tr>
</tbody>
</table>

Current vacancies on other State Boards.

<table>
<thead>
<tr>
<th>Board</th>
<th>Number of Vacancies</th>
<th>Reason for vacancies</th>
<th>When vacancies will be filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Léargas / the Exchange Bureau</td>
<td>5</td>
<td>Lapsed members (2). Changes of staff in Department (2). Resignation (1)</td>
<td>Five nominees are currently being invited to fill these positions</td>
</tr>
<tr>
<td>National Council for Special Education</td>
<td>1</td>
<td>Resignation of Council member</td>
<td>An appointment will be made to this vacancy but the process has not yet commenced</td>
</tr>
<tr>
<td>Finglas Child and Adolescent Centre</td>
<td>2</td>
<td>New Board. First appointment of staff representatives</td>
<td>Process under way</td>
</tr>
</tbody>
</table>

642. Mr. Quinn asked the Minister for Education and Science if she will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by her or the Government; and the mechanisms envisaged by which the appointees will be selected. [24202/05]

Minister for Education and Science (Ms Hanafin): In appointing persons to the boards under my aegis I follow the guidelines set out in the Cabinet handbook regarding eligibility, transparency and gender balance. The information which the Deputy sought follows.

Expected Board Vacancies in the period 30 June 2005 — 31 December 2005 — Institutes of Technology and TRBDI.

<table>
<thead>
<tr>
<th>Institute</th>
<th>Vacancies 30 June 2005 to 31 December 2005</th>
<th>Mechanism for Selection of Appointee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Athlone</td>
<td>2</td>
<td>Nominations will be submitted by VEC in line with legislation</td>
</tr>
<tr>
<td>Blanchardstown</td>
<td>1</td>
<td>As above</td>
</tr>
<tr>
<td>Carlow</td>
<td>1</td>
<td>As above</td>
</tr>
<tr>
<td>Cork</td>
<td>2</td>
<td>As above</td>
</tr>
<tr>
<td>Dundalk</td>
<td>17</td>
<td>As above</td>
</tr>
<tr>
<td>Dún Laoghaire Institute for Art, Design and Technology (DLIADT)</td>
<td>2</td>
<td>As above</td>
</tr>
<tr>
<td>Galway Mayo Institute of Technology (GMIT)</td>
<td>2</td>
<td>As above</td>
</tr>
<tr>
<td>Letterkenny</td>
<td>2</td>
<td>As above</td>
</tr>
<tr>
<td>Tallaght</td>
<td>2</td>
<td>As above</td>
</tr>
<tr>
<td>Waterford</td>
<td>2</td>
<td>As above</td>
</tr>
<tr>
<td>Sligo</td>
<td>3</td>
<td>Chairperson will be appointed by the Minister. Nominations for 2 vacancies will be submitted by VEC in line with legislation</td>
</tr>
<tr>
<td>Tipperary Rural &amp; Business Development Institute (TRBDI)</td>
<td>1</td>
<td>Nomination will be submitted by Institute in accordance with legislation</td>
</tr>
</tbody>
</table>
Expected Board Vacancies in the period 30 June 2005 — 31 December 2005 — Other Bodies.

<table>
<thead>
<tr>
<th>Board</th>
<th>Vacancies 30th June 2005 to 31st December 2005</th>
<th>Mechanisms for Selection of Appointee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Education Welfare Board</td>
<td>1</td>
<td>The person shall be appointed by the Minister for Education &amp; Science after consultation by (him or) her with the Minister for Justice, Equality and Law Reform (as per Section 9 to schedule of The Education (Welfare) Act, 2000)</td>
</tr>
</tbody>
</table>
| Higher Education Authority                 | 8                                             | (1) Incoming USI President automatically replaces outgoing USI President  
(7) Government appoints member on the advice of the Minister |
| Trinity College Dublin                     | 1                                             | Minister nominates one person for appointment |
| National University of Ireland, Maynooth   | 2                                             | Minister nominates 2 persons for appointment |

Special Educational Needs.

643. Mr. J. Breen asked the Minister for Education and Science the criteria used in drawing up clusters; the reason the inspectorate has no role in this or in the allocation of resource hours; and if she will make a statement on the matter. [24265/05]

Minister for Education and Science (Ms Hanafin): 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 immediately.

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.

The considerations taken into account in drawing up the clusters for the purposes of the new general allocation model were a combination of the levels of allocations of teachers, geographic location and existing levels of special needs teaching supports in schools generally.

The Department’s inspectorate had a significant role in the initial organisation of new clusters as part of the general allocation system. Further clusters are now being proposed by schools where they wish to combine general allocation hours and/or low incidence hours for the purposes of establishing new or retaining existing resource teaching posts. Such proposals are being considered and responded to by my officials.

The National Council for Special Education, which became operational on 1 January 2005, is responsible for processing applications for special educational needs supports in primary schools and special schools.

In consideration of these developments, there is no longer an ongoing role for the Department’s inspectorate in the allocation of resources for pupils with special educational needs in general.

Overseas Missions.

644. Caoimhghín Ó Caoláin asked the Minister for Defence if he will report on the command structure which the Irish Defence Forces in Bosnia and Kosovo operate within. [23571/05]

Minister for Defence (Mr. O’Dea): Ireland currently contributes a contingent of Defence Forces personnel to both EUFOR, the EU-led operation in Bosnia-Herzegovina, and to KFOR, the NATO-led international security presence in Kosovo. In addition, a small number of Defence Forces personnel are deployed at both EUFOR and KFOR headquarters in various staff and liaison appointments. Both missions were established under the authority of the UN Security Council.

The chain of command for both missions operates along normal military lines and as such both Irish contingents come under the operational control of the force commander for each mission, who has the authority to designate the chain of command for the force. Irish personnel serving with both missions are subject to the provisions of the Defence Acts 1954 to 1988 similar to personnel operating at home in Ireland. Similar command arrangements apply in relation to UN-led peace support operations.

Defence Forces Dependants.

645. Dr. Upton asked the Minister for Defence if the Defence Forces Pensions Acts or regulations include provisions granting entitlement to disabled or handicapped children of deceased military pensioners; if so, the number of such disabled or handicapped individuals in receipt of such entitlements; the steps he will take to advise such individuals or their personal representatives
of their entitlements; and if he will make a statement on the matter. [23634/05]

Minister for Defence (Mr. O’Dea): Under the Defence Forces pensions schemes and the Army Pensions Acts, pensions or allowances may be granted in certain circumstances to or in respect of the children of deceased members of the Permanent Defence Force. Payment usually ceases when the child reaches a specified upper age limit. However, payment continues beyond the age limit in the case of a child who is incapable of self-support due to a permanent mental or physical disablement. Entitlement to such payments is usually established on foot of information provided at my Department’s request by the next of kin or personal representative of the deceased member of the Permanent Defence Force.

The specific information regarding the number of children in receipt of payments beyond the age limit is not readily available but the number would be relatively small.

Military Staff.

646. Mr. Durkan asked the Minister for Defence the reason pay has been terminated in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23782/05]

Minister for Defence (Mr. O’Dea): The pay of the person in question was withheld with effect from 9 June 2005, following notification by the relevant military authorities that his absence from his unit since 30 May 2005 was not authorised. The military medical authorities have since accepted medical certification for the period of absence and accordingly all pay due will issue shortly.

Departmental Properties.

647. Mr. Wall asked the Minister for Defence the reason a person (details supplied) in County Kildare is being asked to pay back rent; and if he will make a statement on the matter. [23783/05]

Minister for Defence (Mr. O’Dea): The individual concerned has been granted a lease of the property in question for a further period of 21 years with effect from 1 March 1998. Negotiations to agree a revised rate of rent payable in respect of this lease are ongoing and, in line with normal practice, the Department would seek to have the agreed revised rate of rent applied with effect from the date of commencement of the term of the lease.

Defence Forces Personnel.

648. Mr. G. Mitchell asked the Minister for Defence his future plans for the engineers support battalion; and if he will make a statement on the matter. [23784/05]

Minister for Defence (Mr. O’Dea): It is understood that the Deputy’s question refers to the civilian personnel employed in building maintenance. The provision of building maintenance services at military installations is under review by the military authorities. Any proposed changes arising from that review will be the subject of consultation with the relevant parties.

Army Barracks.

649. Mr. G. Mitchell asked the Minister for Defence his plans for Gormanston Camp, County Meath; and if he will make a statement on the matter. [23785/05]

Minister for Defence (Mr. O’Dea): The Government decided on 1 July 2003 that lands at Gormanston, County Meath, would be among the State lands released for inclusion in the Sustaining Progress affordable housing initiative. The modalities for the transfer of lands at Gormanston to the relevant local authority are under consideration and my Department is in ongoing communication with the Department of the Environment, Heritage and Local Government in this regard.

650. Mr. G. Mitchell asked the Minister for Defence the amount of the capital expenditure, the projects involved and the cost of each in the past five years at Gormanston Camp, County Meath; and if he will make a statement on the matter. [23786/05]

Minister for Defence (Mr. O’Dea): The information requested by the Deputy is set out in the table below.


<table>
<thead>
<tr>
<th>Year</th>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2001</td>
<td>Security works — fire alarm/alarms</td>
<td>29,282.34</td>
</tr>
<tr>
<td></td>
<td>Security works — upgrade/extra doors</td>
<td>12,695.93</td>
</tr>
<tr>
<td></td>
<td>Security works — CCTV/actor alarm</td>
<td>78,207.05</td>
</tr>
<tr>
<td>2002</td>
<td>Security works — fencing</td>
<td>35,168.00</td>
</tr>
<tr>
<td>2003</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2004</td>
<td>Security works — CCTV upgrade</td>
<td>26,874.53</td>
</tr>
<tr>
<td>2005</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>182,227.84</td>
</tr>
</tbody>
</table>
651. Mr. G. Mitchell asked the Minister for Defence the amount of the capital expenditure, the projects involved and the cost of each in the past five years in Clancy Barracks, Dublin; and if he will make a statement on the matter. [23787/05]

Minister for Defence (Mr. O'Dea): There has been no capital expenditure on Clancy Barracks, Dublin, in the past five years. On 15 July 1998, the Government approved a programme of evacuation and sale of six barracks, including Clancy, considered surplus to military requirements. The military presence in Clancy Barracks ended in 2001. The barracks was sold to Florence Properties Limited for €25.4 million in 2004.

Overseas Missions.

652. Aengus Ó Snodaigh asked the Minister for Defence if the primary reason for the decision to withdraw Defence Forces from the UN mission in Liberia at the end of 2006 is to ensure the commitment to EUFOR and KFOR can be maintained without compromising an anticipated commitment to the EU battle groups. [23788/05]

Minister for Defence (Mr. O'Dea): A contingent of the Permanent Defence Force has been serving with the United Nations mission in Liberia, UNMIL, since December 2003. Initial deployment was for one year, an extension of which was approved by Government for another year in December 2004, subject to renewal of the UN mandate and a satisfactory review of the mission. Later this year, I will be bringing proposals to the Government for the continued deployment of a contingent with the mission beyond December 2005.

My predecessor signalled the Government’s intention that Defence Forces involvement in UNMIL would not exceed two to three years in duration and the United Nations has been advised accordingly. Elections, which are planned for October 2005, under the comprehensive peace agreement of August 2003, should be completed by the time the Irish contingent withdraws. We are there to assist the people of Liberia to regain the peace they deserve. It is now general policy that deployments of Defence Forces contingents to peace support missions overseas should be for defined periods.

Departmental Expenditure.

653. Mr. Kenny asked the Minister for Defence the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23985/05]

Minister for Defence (Mr. O'Dea): The allocations for Defence, Vote 36, and Army Pensions, Vote 37, for 2004 and the amounts surrendered at year’s end are set out in the following table:

<table>
<thead>
<tr>
<th>Vote</th>
<th>2004 Estimate</th>
<th>Amount surrendered</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>697,656</td>
<td>2,644</td>
</tr>
<tr>
<td>37</td>
<td>159,604</td>
<td>10,486</td>
</tr>
</tbody>
</table>

654. Mr. O'Shea asked the Minister for Defence the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24019/05]

Minister for Defence (Mr. O'Dea): My Department has spent €4,681 to date in 2005 on the implementation of the provisions of the Official Languages Act 2003. No estimate of the type described by the Deputy has been prepared.

Departmental Properties.

655. Mr. Gogarty asked the Minister for Defence if there are plans to refurbish the squash facilities at Baldonnel in view of their current state of disrepair; if his attention has been drawn to the popularity of these facilities; and if he will make a statement on the matter. [24047/05]

Minister for Defence (Mr. O'Dea): The building housing the squash facilities at Baldonnel is closed. There is no provision in the five-year capital works programme, 2005 to 2009, to refurbish or replace the squash facilities.

Defence Forces Properties.

656. Mr. Gogarty asked the Minister for Defence if there are no plans to turn Baldonnel into a civilian airport. [24048/05]

Minister for Defence (Mr. O'Dea): Casement Aerodrome, Baldonnel, is the principal base of the Air Corps. With the withdrawal of aircraft from Gormanston and the relocation of Air Corps headquarters to Baldonnel as outlined in the White Paper on Defence, the Air Corps has the basis for better management of its resources. Baldonnel will continue to be the centre of military aviation in Ireland.

Periodic interest by the private sector has been expressed during the past decade as to the use of Casement Aerodrome for civil aviation purposes. The establishment of facilities for civil aviation purposes is primarily a matter for the Minister for Transport. Under the Irish Aviation Authority Act 1993, however, military aerodromes are precluded from regulation by the Irish Aviation Authority. Only the regulation of military aviation activities at military aerodromes comes within my remit.
Before any consideration can be given to having commercial aviation at Baldonnel it would be necessary to bring Casement Aerodrome within the licensing and regulatory control of the Irish Aviation Authority, which would require an amendment to section 3 of the Irish Aviation Authority Act 1993. This is a matter for consideration in the first instance by the Minister for Transport.

657. Mr. Gogarty asked the Minister for Defence the communications that have taken place in the past 12 months between his Department and the owners of Weston Aerodrome regarding the impact of the Weston development on flights from Baldonnel or any other matters; and if he will make a statement on the matter. [24049/05]

Minister for Defence (Mr. O’Dea): The manager of Weston Airport wrote to my Department in July 2004 concerning, *inter alia*, the likely impact of the proposed development of the Weston Aerodrome on military airspace and seeking authorisations in this regard. It was considered inappropriate for my Department to enter into formal discussions with Weston until such a time as Weston Airport secures the necessary planning permission for the proposed development and this was notified to the Irish Aviation Authority in writing by my Department and copied to the manager of Weston Airport.

I am advised the Air Corps has had informal communications with Weston management within the past 12 months. However, all such communication has ceased pending receipt by Weston of the relevant planning permission and approvals.

**Appointments to State Boards.**

658. Mr. Quinn asked the Minister for Defence if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24189/05]

659. Mr. Quinn asked the Minister for Defence if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24203/05]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 658 and 659 together.

The inaugural Civil Defence Board was appointed with effect from 5 June 2002 for three years. Accordingly, a new board is required to be appointed and nominations are being considered. Appointments to the Civil Defence Board are made on the basis of four persons who, in the opinion of the Minister, have experience in business, industry, finance or administration; the director general, Civil Defence Board; a volunteer member of Civil Defence; a member of the staff of the board; an officer of the Defence Forces nominated by the Chief of Staff; a nominee of the County and City Managers’ Association; a nominee of the Minister for the Environment, Heritage and Local Government with experience in emergency planning; a nominee of the Radiological Protection Institute of Ireland; a nominee of the Environmental Protection Agency; a member of the Civil Defence Officers’ Association; a member of the Garda Síochána nominated by the Garda Commissioner.

The Central Council of the Irish Red Cross Society consists of members elected by the various society areas and of members nominated by Government. The Government appointees’ term of office expires on 30 April 2006. There is one vacancy on the Central Council of the Red Cross due to the death of a member in October 2003. However, the number of Government nominees remaining complies with the legislative requirement.

There is no vacancy on the board of Coiste an Asgard, but one vacancy is due to arise later this year. In general, persons appointed to the board of Coiste an Asgard have experience in sailing or other relevant experience.

In appointing persons to the boards under my aegis, I follow the guidelines set out in the Cabinet handbook regarding eligibility, transparency and gender balance. The Department of Finance, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of persons being considered for appointment to State boards. Based on the outcome of that process, further consideration will be given as to whether any change to the existing arrangements is appropriate or not.

**Wildlife Conservation.**

660. Mr. Perry asked the Minister for the Environment, Heritage and Local Government if whales are hunted in Irish waters; if there are Government initiatives in place to protect whales in Irish waters; and the Government’s views on hunting for whales. [23763/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Whales are not hunted in Irish waters, and are subject to protection in several ways. Under the Whale Fisheries Act 1937, the catching or treating of whales by any ship within the exclusive fishery limits of the State is prohibited. Section 11(1) of the Wildlife Act 1976 makes it a function of the Minister for the Environment, Heritage and Local Government to secure the conservation of wildlife, including wild mammals such as whale species. In 1991 Ireland declared all our seas a whale and dolphin sanctuary, as a further indication of our commitment to conserve and protect these spec-
ies. Ireland has adhered to the International Convention on the Regulation of Whaling since 1985 and is a member of the International Whaling Commission, which oversees this convention. Ireland was represented at the 57th Meeting of the International Whaling Commission in Ulsan, Republic of Korea last week. At this meeting, Ireland supported several decisions consistent with the Government’s views on hunting for whales.

These decisions included the rejection of a proposal to remove the ban on commercial whaling, which was imposed by the Commission from 1985-86; the rejection of a proposal for a new scientific research programme by Japan in the Antarctic, which intended to double the take of minke whales to over 5,000, and also to take 220 fin and 200 humpback whales, over the next six years; support for the creation of a South Atlantic Sanctuary for whales; and the rejection of a proposal to abolish the Southern Ocean Sanctuary, which was established by the International Whaling Commission in 1994.

Housing Aid for the Elderly.

661. Mr. Stagg asked the Minister for the Environment, Heritage and Local Government the amount allocated nationally in respect of the housing aid for the elderly scheme and the central heating grant scheme; and the amount spent on each scheme in 2004. [23846/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The special housing aid for the elderly scheme is operated by the Health Service Executive in line with various guidelines issued from time to time by the task force which administers the scheme under the aegis of the Department of the Environment, Heritage and Local Government. Under the scheme, aid is provided to improve the housing conditions of elderly persons living alone in unfit or unsanitary conditions and was extended to include the provision of suitable heating systems where found necessary in 2000. A provision of €15.6 million was allocated to the health boards for the operation of the scheme in 2004 and was claimed and paid to the boards in respect of expenditure incurred by them under the scheme in that year.

Register of Electors.

662. Cecilia Keaveney asked the Minister for the Environment, Heritage and Local Government the steps he plans to adopt to ensure that electoral registers are as accurate as possible; and if he will make a statement on the matter. [23556/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Parliamentary Questions Nos. 24 and 26 of 28 June 2005.

Housing Provision.

663. Cecilia Keaveney asked the Minister for the Environment, Heritage and Local Government the position of an application for sheltered housing by an association (details supplied) in County Donegal; and if he will make a statement on the matter. [23587/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer to the reply to Parliamentary Question No. 271 of 13 April 2005. The position is unchanged.

Social and Affordable Housing Programmes.

664. Mr. Kehoe asked the Minister for the Environment, Heritage and Local Government the plans he has to sell any State lands in County Wexford to a developer to build affordable housing in that county; and if he will make a statement on the matter. [23619/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Wexford County Council is developing two sites under the affordable housing initiative with a potential yield of 60 units. This is in addition to continuing affordable activity in Wexford under Part V, the 1999 affordable housing scheme and the shared ownership scheme. No State lands have been identified in Wexford for the purposes of the affordable housing initiative.

Water and Sewerage Schemes.

665. Mr. Kehoe asked the Minister for the Environment, Heritage and Local Government the position on the third phase of the main drainage scheme in Enniscorthy, County Wexford; when works will commence on the project; the length of time it will take to complete; when it will be fully operational; and if he will make a statement on the matter. [23620/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Phase three of the Enniscorthy main drainage scheme is included in my Department’s water services investment programme 2004-06 as a scheme to commence construction in 2006.

Wexford County Council’s preliminary report and water services pricing policy report for the scheme are under examination in my Department and will be dealt with as quickly as possible. The council will be in a position to prepare the contract documents once these reports have been approved.

Archaeological Sites.

666. Mr. Kehoe asked the Minister for the Environment, Heritage and Local Government the plans he has for a site (details supplied); the works that will be carried out on this site; when the works will commence; the type of work that will be carried out; and if he will make a statement on the matter. [23621/05]
Local Government (Mr. Roche): I have recently asked the Office of Public Works to engage consultants to undertake a study, examine and report on the feasibility of a conservation and restoration project including identifying future possible uses at St. Selskar’s Abbey and environs, Wexford town. The consultants will engage with all of the relevant stakeholders as the site is not directly owned by the State but is held in guardianship partly by the State and partly by the local authority. It is expected the consultants will be engaged before the end of July and will make their report in a further three to four months after that date.

Departmental Reports.

667. Mr. Kehoe asked the Minister for the Environment, Heritage and Local Government when he will receive a reply to Parliamentary Question No. 318 of 22 June 2005; and if he will make a statement on the matter. [23623/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The material referred to in the reply to Parliamentary Question No. 318 of 22 June 2005 was sent to the Deputy on 29 June 2005.

Water and Sewerage Schemes.

668. Mr. English asked the Minister for the Environment, Heritage and Local Government when a decision will be made regarding the recommended improvements required to the water supply infrastructure to meet the projected needs of the Navan and mid-Meath water supply scheme; the start date of such works; the time scale involved; and if he will make a statement on the matter. [23624/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Navan mid-Meath water supply scheme is included in my Department’s water services investment programme 2004-06 at an estimated cost of €4.8 million. I understand that phase 1 of the scheme is nearing completion and I have recently approved Meath County Council’s contract documents for phase 2. It is now a matter for the council to proceed with the invitation of tenders for these works.

670. Mr. English asked the Minister for the Environment, Heritage and Local Government if he has received the application for funding by Meath County Council for sewerage works in Ratoath and Ashbourne; if so when does he propose to commit the funding; and if he will make a statement on the matter. [23627/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Ashbourne Ratoath and Kilbride sewerage scheme is approved for construction under my Department’s water services investment programme 2004-06 at an estimated cost of €20.6 million. Meath County Council’s preliminary report for the scheme is being examined in my Department and will be dealt with as quickly as possible. The council will be in a position to prepare contract documents when this report is approved by my Department.

Register of Electors.

671. Mr. Aylward asked the Minister for the Environment, Heritage and Local Government the proposals that are with his Department to permit Irish citizens living abroad throughout the European Union to vote in any referenda on the proposed European Constitution; and if he will make a statement on the matter. [23628/05]

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. In order 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, including 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 All-Party Oireachtas Committee on the Constitution in its examination of Parliament. In respect of 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 and suggestions are made on specific issues from time to time, there are no proposals to alter the existing arrangements.

**Local Authority Housing.**

672. Mr. Fleming asked the Minister for the Environment, Heritage and Local Government when approval will be given to Laois County Council to proceed with a project (details supplied) in County Laois. [23629/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department gave approval to Laois County Council in December, 2004 to proceed with a further phase of 14 houses at Castletown. It is understood that the county council will submit cost proposals to my Department shortly.

**Archaeological Sites.**

673. Mr. Fleming asked the Minister for the Environment, Heritage and Local Government if he will detail the works being carried out and the costs of the work in respect of a project (details supplied) in County Laois. [23630/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Works carried out at the Rock of Dunamase prior to the national development plan, NDP, consisted mainly of archaeological excavations. The nature of these excavations unavoidably resulted in the site being left in a more fragile condition. This first phase of works established the methodology to be adopted in subsequent phases and involved comprehensive topographical, photographic and architectural surveys of the site, removal of vegetation and provision of access routes without damage to existing ground surface. Consolidation and repair of masonry faces uncovered in the archaeological excavation and other extant masonry was carried out by skilled craftspeople using suitable lime mortars and stone.

The main objective of phase 2 of the NDP project is to stabilise, consolidate and conserve the structures on the site in accordance with the methodologies established in phase 1 including further conservation and repairs to stone walls, provision of graded access routes and site fencing. The conservation works to the walls will be quite extensive, aimed at consolidating existing structures to safeguard the monument in the future. The project will leave the structures looking substantially as they were, but stabilised to prevent further deterioration, with the site being made safe for public access and the provision of interpretative materials. The contract was awarded in January 2005 at a value of €1,139,313. Works commenced immediately and are expected to take two years to complete.

**Water and Sewerage Schemes.**

674. Cecilia Keaveney asked the Minister for the Environment, Heritage and Local Government the applications that have been made to his Department in relation to the extremely poor water supply in a town (details supplied) in County Donegal; and if he will make a statement on the matter. [23631/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Moville water supply is an element of the Inishowen regional water supply scheme which was ranked 23rd in the list of water and sewerage schemes submitted by Donegal County Council in response to my Department’s request to all local authorities in 2003 to undertake fresh assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. The assessments were taken into account in the framing of the water services investment programme 2004-06, published in May 2004. Given the rating afforded to the scheme by the council, it was not possible to include it in the current programme.

**Local Authority Funding.**

675. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government if he will review a grant scheme (details supplied) to take account of the ongoing running, maintenance and insurance costs of such facilities as those covered in the scheme; and if he will make a statement on the matter. [23632/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In May 2005, I announced proposals for a pilot project for the provision of a number of skateboard facilities. My Department wrote to all city and county councils at that time enclosing details of the initiative, including the selection criteria, and invited councils to submit an application to participate in the pilot project. Funding under that scheme is
intended for capital purposes only. The costs of ongoing management of the facilities will be a matter for the local authorities concerned.

**Housing Aid for the Elderly.**

676. Mr. Boyle asked the Minister for the Environment, Heritage and Local Government the number of housing associations in the State which cater for the provision of housing for persons with disabilities; and the number of such houses which are currently available. [23860/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the voluntary housing capital assistance scheme, accommodation may be provided for persons with special needs such as the elderly, homeless or persons with disabilities. The scheme is not designed to provide nursing homes or accommodation where residents would require extensive medical, nursing or institutional type care.

However, some housing projects, which require a higher ratio of carers to residents than a caretaker to allow for independent living, may be provided through a shared funding arrangement between the housing authority concerned and the Health Service Executive. Assistance towards the cost of care and support services provided in sheltered housing over and above those normally required in housing management are a matter for the Health Service Executive.

My Department’s involvement relates primarily to the provision of funds for individual projects. The administration of the voluntary housing scheme and the certification that particular projects comply with the terms of the scheme are the responsibility of local authorities and any proposals to meet housing needs are submitted to the relevant local authority for consideration.

There are currently 601 voluntary bodies with approved status from my Department, who may seek assistance to provide accommodation for any, or a number of, eligible categories of persons. Since the commencement of the scheme, over 9,500 units of accommodation have been provided. Details of the number of accommodation units specifically provided for the various eligible categories of persons are not available in my Department.

**Local Authority Housing.**

677. Mr. Durkan asked the Minister for the Environment, Heritage and Local Government the number and location of local authority and affordable houses likely to become available for tenancy in County Kildare in 2005; and if he will make a statement on the matter. [23867/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The three local authorities in County Kildare, namely Kildare County Council and Athy and Naas Town Councils, have indicated to my Department that they will complete or acquire over 150 dwellings for letting in 2005 at various locations in the county including Athy, Clogherinkoe, Kilcock, Kill, Kildare town, Prosperous and Straffan. This figure does not include casual vacancies that normally arise in existing houses which are re-let to households on the waiting lists.

**EU Directives.**

678. Mr. Boyle asked the Minister for the Environment, Heritage and Local Government the actions which have been put into practice on the European Court of Justice decisions (details supplied) against the Government. [23868/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Of the court judgments referred to in the question, my Department is taking action in a number of cases.

Case C494-01 refers to the waste framework directive. The European Court of Justice, ECG, judgment is being studied by a high-level group of officials from my Department, the Office of Environmental Enforcement, the Department of Finance and the local authorities, with a view to preparing a national appropriate response to the judgment’s requirements. The group will complete its work within a designated timeframe, which is currently 1 September 2005, or within any further period which may be agreed with the Commission.

Case C406-03 refers to EC Regulation 2037/2000 on substances that deplete the ozone layer. The report, Gap Analysis for the Implementation of EC Regulation 2037/2000 on Substances that Deplete the Ozone Layer, commissioned by the Environmental Protection Agency, EPA, and prepared by the consultants URS Ireland Limited, will be available on the EPA’s website, www.epa.ie, shortly and I am arranging for copies to be placed in the Oireachtas Library. Having regard to the report, consultation is being finalised between my Department and the Environmental Protection Agency regarding administrative arrangements to implement EC Regulation 2037/2000 on substances that deplete the ozone layer.

Case C117-00 concerns the birds directive. My Department and the Department of Agriculture and Food have developed agri-environmental commonage framework plans for all commonage in Ireland. Destocking requirements will be a condition of the cross-compliance “good agricultural and environmental conditions” that underpin payment of the single farm payments. Monitoring of recovery of habitat is continuing and preparations are being made for a national survey of red grouse towards the end of 2005. There is ongoing dialogue between the Commission and officials from my Department in respect of the over-grazing issue.

Case C67-99 concerns the habitats directive. Considerable progress has been made in the designation of special areas of conservation, SAC,
since the judgment of the Court in 2001. Ireland has met all of its SAC designation obligations, subject to finalising the limited extension of some salmon river SACs, the designation of certain sites where landowner appeals are still outstanding and, in common with all other member states, completing marine SAC proposals.

Case C392-96 concerns the environment impact assessment directive. The Planning and Development Regulations 2001 are being amended so that the planning exemption for peat extraction will not apply and an application for planning permission will be needed where proposed peat extraction is likely to have significant effects on the environment, by reference to the criteria in Annex III of the environmental impact assessment directive, 85/337/EEC, as amended by 97/11/EC. The draft amending regulations concerned were laid before both Houses of the Oireachtas on 16 June 2005 and are being debated in both Houses this week. I intend to sign these regulations after positive approval has been given by both Houses. Furthermore, the designation of peatland sites as natural heritage areas should be substantially completed by the end of July 2005, other than a relatively small number of sites where proposed designation is under appeal. Such designated sites will, of course, be subject to separate conservation controls.

Case C396-00 refers to a judgment against Italy. I assume that the question intends to refer to the Irish case 396-01 relating to the nitrates directive. Following extensive consultations with the main farming organisations and other interested parties, a nitrates action programme was submitted to the EU Commission on 22 October 2004, copy available in the Oireachtas Library. In response, the EU Commission issued a letter of formal notice under Article 228 of the treaty indicating that the Commission did not regard the action programme as being complete or compliant with the judgment of the court. Following a series of discussions with the EU Commission, consideration of the issues involved by the Government a substantive response to the Article 228 letter was sent to the Commission on 20 April 2005 indicating that appropriate amendments would be made to the action programme. Work is continuing in my Department in consultation with the Department of Agriculture and Food and the Commission in respect of the final details of the action programme and I expect to be in a position to submit a final text of the programme to the EU Commission in July.

The Department of Communications, Marine and Natural Resources has responsibility for case C67-02, relating to the shellfish waters directive. The Department of Health and Children has responsibility for case C354-99, relating to the protection of animals used for experimental and other scientific purposes.

Environmental Policy.

679. Mr. Boyle asked the Minister for the Environment, Heritage and Local Government the number of environmental cases of complaint which are currently lodged with the EU Commission at present. [23869/05]

680. Mr. Boyle asked the Minister for the Environment, Heritage and Local Government the number of reasoned opinions from the European Commission which have been registered against the Government on environmental issues. [23870/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 679 and 680 together.

The European Commission is currently in correspondence with my Department in respect of 56 cases relating to possible infringements of EU environmental legislation. Reasoned opinions have been received in 30 of these cases.

681. Mr. Boyle asked the Minister for the Environment, Heritage and Local Government the number of judgments by the European Court of Justice which have been registered against the Government on environmental issues. [23871/05]

682. Mr. Boyle asked the Minister for the Environment, Heritage and Local Government when pending decisions of the European Court of Justice relating to the Government on environmental issues are due to be made. [23872/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 681 and 682 together.

There have been 13 judgments against Ireland delivered by the European Court of Justice, nine of which relate to areas for which my Department has responsibility. At this time, the court has not indicated dates for hearings or the delivery of judgments in relation to cases currently before it.

683. Mr. Sargent asked the Minister for the Environment, Heritage and Local Government the institutional arrangements which are being or have been made for the purchase of carbon credits by the Government; the public consultation planned in relation to these institutional arrangements; the guidelines regarding the purchases; if the views of Development Co-operation Ireland have been sought; if the views of environmental non-governmental organisations have been sought; if the views of development non-governmental organisations have been sought; and the ongoing involvement for DCI as well as or instead of non-governmental organisations is envisaged in advising on and overseeing purchases of carbon credits. [23874/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As part of its measures to comply with its Kyoto commitments, the Government has indicated its intention to purchase quantities of carbon allowances each...
[Mr. Roche.]

year in the Kyoto Protocol commitment period 2008-12.

In order for the credits to be purchased on behalf of the State, it will be necessary to put in place institutional arrangements for the actual purchase and management of allowances. These arrangements will be subject to Governmental approval and include, inter alia, the designation of a purchasing authority, the establishment of criteria on which to validate proposals, the types of allowances to be purchased, the registration and surrender of allowances and the nature of ongoing advisory arrangements. There is regular consultation on climate change issues with relevant stakeholders through a range of fora and this will continue.

684. Mr. Sargent asked the Minister for the Environment, Heritage and Local Government if mass releases of balloons are in breach of any existing legislation; or if he will consider bringing legislation, such as exists in other jurisdictions, preventing such releases. [23875/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am advised that problems caused by mass balloon releases were first highlighted at a conference in Canada in 1989 on plastic and other debris found at sea. Balloons, some still partially inflated, had been found accumulating on islands off the east coast of Canada. In response to these findings some countries curtailed balloon releases. I am further advised of reports showing that an estimated 90% to 95% of released balloons rise to an altitude of five miles where the temperature and pressure is such that they burst into small fragments, with no potential to harm marine wildlife. While there have been reports of marine animals found with balloons in their stomachs, I understand that balloons form an extremely small percentage of potentially hazardous marine debris. It is not proposed at present to introduce legislation prohibiting the mass release of balloons.

Water and Sewerage Schemes.

685. Mr. M. Higgins asked the Minister for the Environment, Heritage and Local Government the status of the Oughterard sewerage scheme; the progress made on this scheme to date; the date by which he expects and anticipates this work to have been completed; and if he will make a statement on the matter. [23876/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Oughterard sewerage scheme has been approved for construction in my Department’s water services investment programme 2004-06. My Department is awaiting submission of Galway County Council’s preliminary report for the scheme for approval.

686. Ms Shortall asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 468 of 31 May 2005 if he will commit to providing funding in the 2006 estimates to ensure that the recommendations of the greater Dublin strategic drainage study can be acted upon by the local authorities concerned; the funding currently available under his Department’s water services investment programme 2004-06; and if he will make a statement on the matter. [23878/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The greater Dublin strategic drainage strategy study report was recently submitted to my Department and is currently being examined. Proposals in the report for new water services infrastructure will be considered for inclusion in my Department’s water services investment programme. Details of water services schemes currently approved for funding by my Department are set out in the water services investment programme 2004-06 which is available in the Oireachtas Library.

Social and Affordable Housing.

687. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if a cost benefit analysis was carried out in respect of Government proposals to swap State land for affordable housing; if such a cost benefit analysis was carried out to make available data in respect of each proposed transaction including the value of each plot of land being transferred to a developer, the value of an asset being received in exchange for the land and the estimated sale price of each affordable housing unit. [23879/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): A value for money analysis was carried out on the Harcourt Terrace Lane site as part of the procurement process, which itself was open and transparent and conducted by Dublin City Council as project managers for the site. The analysis included data in respect of the pre-tender value of the site, the value of the equity being received in exchange for the site and the estimated sale price of each affordable housing unit.

688. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if he will provide details of all developers and builders with whom the Government intends to engage in swapping State land for affordable housing units. [23880/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Following an open and transparent procurement process conducted by Dublin City Council, who were project managers for the exchange of the Harcourt Terrace Lane site,
Durkan Homes was selected as the preferred bidder. The six other sites identified as having potential for similar exchanges will be marketed, and procurement undertaken, on a similar basis.

689. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if his Department or any other member of Government was lobbied by developers or others seeking the release of State lands which are now proposed to be swapped for affordable housing at other locations; and if any such lobbying occurred the details of same. [23881/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The Construction Industry Federation made a submission in April 2004 to the Department of the Taoiseach proposing a number of additional measures to accelerate delivery of affordable units under the affordable housing initiative, AHI. In response, the Taoiseach announced to the parties to Sustaining Progress in July 2004 that alternative strategies for fast-tracking delivery would be pursued, including the possibility of swapping valuable sites in return for affordable housing in a manner that ensures more units, quicker delivery and better value for money.

Apart from the above, my Department is aware of only one other approach from the construction sector about the release of State lands under the AHI. This was made to my Department last year by an estate agent operating in the Cork area who enquired as to whether State lands, including the Department of Agriculture and Food site at Model Farm Road in Cork city, would be put on the market as a land swap option. The reply given orally by my Department was that all matters concerning the early delivery of units under the Initiative were under active consideration.

690. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if his Department considered making the State land which is to be transferred to developers available to either the relevant local authority or a voluntary or co-operative housing association for the construction of social housing; and if he will make a statement on the matter. [23882/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The land swap programme is designed to accelerate delivery of affordable housing units under the affordable housing initiative. The model to be used will be similar to that piloted on the Harcourt Terrace Lane site. The exchange of a 0.4-acre site is now set to deliver some 193 affordable houses in private housing estates, 140 of which will be available in 2005 with the balance in 2006. Consequently, substantially more households will benefit in a quicker timeframe than building on the Harcourt Terrace Lane site, which has a maximum residential development potential of some 30 apartments.

As part of the broader delivery of housing nationally, all local authorities will review their land management strategies to maximise the availability of land for their own housing programmes, voluntary and co-operative housing, housing partnerships with the private sector and to secure more active use of brownfield land and derelict sites.

Waste Management.

691. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government the local authority areas with private municipal refuse collection, which provide a door-to-door collection for recyclable material; and the categories of recyclable materials, which are collected in each case. [23883/05]

692. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government the local authorities, which provide a publicly run municipal refuse collection as well as a door-to-door collection for recyclable material; and the categories of recyclable materials which are collected in each case. [23884/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 691 and 692 together.

My Department does not routinely compile information on local authority waste collection services, which are a matter for those authorities. However, earlier this year in the context of the move to pay-by-use waste charging systems, the Department compiled data on the waste collection services being locally provided. I am arranging to forward this information to the Deputy. Regarding the types of recyclable materials collected, under the collection permit regulations it is a matter for the relevant permitting authority when issuing collection permits to specify the classes of waste to be segregated, collected and treated. As this is a matter determined at local level, my Department does not have the information sought in the question in this regard.

693. Mr. Gilmore asked the Minister for the Environment, Heritage and Local Government the local authority areas that have recycling or bring centres; the number of centres per area in each case; the ratio of centres to population; and the categories of waste accepted in the bring centres. [23885/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not maintain data to the level sought in the question. In particular, there is no breakdown available on materials accepted at individual
[Mr. Roche.]

recycling or bring centres. Data on bring sites and civic amenity sites at end 2004, for the purposes of providing a subvention towards their operating costs, are still being compiled. The most recent available figures refer to the position as at end June 2004 and refer exclusively to local authority operated sites as set out in the following table.

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>No. of Bring Sites and Civic Amenity Sites (at 30/06/04)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlow</td>
<td>433</td>
</tr>
<tr>
<td>Cavan</td>
<td>281</td>
</tr>
<tr>
<td>Clare</td>
<td>544</td>
</tr>
<tr>
<td>Cork</td>
<td>1,452</td>
</tr>
<tr>
<td>Donegal</td>
<td>551</td>
</tr>
<tr>
<td>Dún Laoghaire-Rathdown</td>
<td>562</td>
</tr>
<tr>
<td>Fingal</td>
<td>842</td>
</tr>
<tr>
<td>Galway</td>
<td>923</td>
</tr>
<tr>
<td>Kerry</td>
<td>625</td>
</tr>
<tr>
<td>Kildare</td>
<td>401</td>
</tr>
<tr>
<td>Kilkenny</td>
<td>441</td>
</tr>
<tr>
<td>Laois</td>
<td>371</td>
</tr>
<tr>
<td>Leitrim</td>
<td>360</td>
</tr>
<tr>
<td>Limerick</td>
<td>462</td>
</tr>
<tr>
<td>Longford</td>
<td>220</td>
</tr>
<tr>
<td>Louth</td>
<td>371</td>
</tr>
<tr>
<td>Mayo</td>
<td>792</td>
</tr>
<tr>
<td>Meath</td>
<td>372</td>
</tr>
<tr>
<td>Monaghan</td>
<td>221</td>
</tr>
<tr>
<td>North Tipperary</td>
<td>292</td>
</tr>
<tr>
<td>Offaly</td>
<td>391</td>
</tr>
<tr>
<td>Roscommon</td>
<td>302</td>
</tr>
<tr>
<td>Sligo</td>
<td>380</td>
</tr>
<tr>
<td>South Dublin</td>
<td>501</td>
</tr>
<tr>
<td>South Tipperary</td>
<td>732</td>
</tr>
<tr>
<td>Waterford</td>
<td>433</td>
</tr>
<tr>
<td>Westmeath</td>
<td>572</td>
</tr>
<tr>
<td>Wexford</td>
<td>1,462</td>
</tr>
<tr>
<td>Wicklow</td>
<td>553</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>17,857</strong></td>
</tr>
</tbody>
</table>

694. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the percentage and tonnage of non-hazardous recyclable waste exported for sorting and the percentage and tonnage of non-hazardous recyclable waste exported for recycling for each year of the past five years. [23886/05]

695. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the percentage and tonnage of hazardous recyclable waste exported for sorting and the percentage and tonnage of hazardous recyclable waste exported for recycling for each year of the past five years. [23887/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 694 and 695 together.

The compilation of detailed statistics on waste generation, recovery, recycling and final disposal are matters for the Environmental Protection Agency, which prepares the national waste database, NWD, every three years. The most recent such report was published in 2003, in respect of waste arising in 2001, and is available from the EPA. In addition, the EPA has published an interim national waste database report for the years 2003 and 2002.

The export of waste is regulated by local authorities, in accordance with the EU Transfrontier Shipment of Waste, TFS, Regulation, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Union, OJ L30, 6.2.1993. The following table sets out the tonnage of both hazardous and non-hazardous notified waste, which was exported in the years 2001 to 2003.

<table>
<thead>
<tr>
<th></th>
<th>2003</th>
<th>2002</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Waste Exported</td>
<td>420,841</td>
<td>270,857</td>
<td>287,062</td>
</tr>
<tr>
<td>Hazardous Waste</td>
<td>170,678</td>
<td>109,547</td>
<td>115,366</td>
</tr>
<tr>
<td>Contaminated Soil</td>
<td>218,521</td>
<td>139,892</td>
<td>159,943</td>
</tr>
<tr>
<td>Non-Hazardous</td>
<td>31,642</td>
<td>21,417</td>
<td>11,753</td>
</tr>
<tr>
<td>Percentage recovered</td>
<td>69%</td>
<td>80%</td>
<td>80%</td>
</tr>
</tbody>
</table>

Not all exported waste is required to be notified under the transfrontier shipment of waste regulation. Wastes listed in annex II, the “green list”, of that regulation may be exported for recovery without notification. Green list wastes are typically clean segregated recyclable waste fractions.
and enjoy unhindered movement within the EU. The following table sets out the tonnage of non-

Notified waste exported for recycling in the years 2001 to 2003.

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2002</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Non-Notified Waste Exported</td>
<td>858,211</td>
<td>568,658</td>
<td>371,488</td>
</tr>
<tr>
<td>% of Irish Waste Recycling Abroad</td>
<td>69%</td>
<td>72%</td>
<td>55.1%</td>
</tr>
</tbody>
</table>

Comparable figures for the years 1999 and 2000 are not available.

**Departmental Expenditure.**

696. Mr. Kenny asked the Minister for the Environment, Heritage and Local Government the amount of his Department’s budgetary allocation for 2004; the amount of this allocation which was returned to the Department of Finance at year’s end; the Vote head from which such returned allocations were derived; and if he will make a statement on the matter. [23986/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 2004 Revised Estimates provision for the Department of Environment, Heritage and Local Government, Vote 25, was €2,309,788,000, net, made up of €685,346,000, current, and €1,624,442,000, capital. The final outturn was €2,228,701,000, net, made up of €682,058,000 current and €1,546,643,000, capital, giving rise to a surplus of €81,087 million comprising €3.288 million, capital and €77.799 million, capital. The following table sets out expenditure activity on a programme basis, giving detail of 2004 provisions and outturns and, resulting excesses and savings.

<table>
<thead>
<tr>
<th>2004 Provision €’000</th>
<th>2004 Outturn €’000</th>
<th>(Excess)/saving €’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>80,941</td>
<td>Administrative Budget</td>
<td>81,467</td>
</tr>
<tr>
<td>1,136,682</td>
<td>Housing</td>
<td>1,085,797</td>
</tr>
<tr>
<td>462,269</td>
<td>Environment</td>
<td>422,966</td>
</tr>
<tr>
<td>516,278</td>
<td>Local Government</td>
<td>533,798</td>
</tr>
<tr>
<td>57,061</td>
<td>Heritage</td>
<td>50,441</td>
</tr>
<tr>
<td>84,450</td>
<td>Other Services</td>
<td>84,504</td>
</tr>
<tr>
<td>2,337,681</td>
<td>Gross</td>
<td>2,258,973</td>
</tr>
<tr>
<td>–27,893</td>
<td>Less Appropriations in Aid</td>
<td>–30,272</td>
</tr>
<tr>
<td>2,309,788</td>
<td>Net</td>
<td>2,228,701</td>
</tr>
<tr>
<td>Less capital carryover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Surplus</td>
<td>75,601</td>
<td></td>
</tr>
</tbody>
</table>

Beginning in 2004, the capital envelope agreement between my Department and the Department of Finance sets out aggregate capital provisions for my Department’s programmes over rolling five-year periods, with the most recent envelope covering the period 2005 to 2009 valued at some €9 billion. As part of the agreement the Department is allowed to operate a carryover facility of up to 10% of the current year’s voted capital allocation, which was €162 million in the case of 2004. My Department availed of a carryover of €75.601 million, which is being applied to our capital programmes in 2005 and at 4.65% of total net 2004 capital provision was well below the 10% carryover allowed.

Taking account of capital carryover, the net surplus surrendered to the Exchequer was €5.486 million, representing only 0.24% of the 2004 provision. It should be noted that this amount was the aggregate net amount arising from savings and excesses across the full range of my Department’s current and capital expenditure as well as fluctuations in appropriations-in-aid and so it is not practicable to relate it to individual subheads.

697. Mr. O’Shea asked the Minister for the Environment, Heritage and Local Government the amount his Department has spent to date in 2005 on the implementation of the provisions of the Official Languages Act 2003; his estimate of the amount which his Department will spend on the implementation of the Official Languages Act 2003 for the full year in 2005; and if he will make a statement on the matter. [24020/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department has been included in the first tranche of public bodies required to produce an Irish language scheme under the Official Languages Act 2003. Our scheme, which has recently been approved by the Minister for Community, Rural and Gaeltacht Affairs, will take effect from August 2005.

Specific costs incurred by my Department in the implementation of the Act to date amount to €11,277 in respect of the publication of notices under section 13 of the Act. My Department’s Estimates for 2005 do not separately identify a cost for implementing the provisions of the Act. Any additional costs arising with translation of material, publication of documents, or advertising, etc. as set out in the Department’s scheme will be met from within the overall administrative
budget of the Department or the budget for individual projects and programmes.

Prior to the enactment of the legislation, my Department was already making available Irish versions of publications such as the Department’s statement of strategy and annual report, and providing replies to correspondence in the language in which it was received. Accordingly, the Act in these areas involves no extra costs for my Department.

EU Directives.

698. Mr. M. Higgins asked the Minister for the Environment, Heritage and Local Government when the operation scheme for the nitrates directive will be announced (details supplied); the details of the agreement with the European Union on this directive; and if he will make a statement on the matter. [24026/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I expect to be in a position to submit a final version of Ireland’s nitrates action programme to the EU Commission in July. Work is ongoing in my Department in consultation with the Department of Agriculture and Food and the Commission on the operational details of the programme.

Recycling Policy.

699. Mr. Gogarty asked the Minister for the Environment, Heritage and Local Government further to the raising of the matter in Dáil Éireann by this Deputy, if there are plans in the near future to tackle the growing litter problem by introducing a refundable deposit on beverage bottles and cans, as is the case in many European countries and US states; and if he will make a statement on the matter. [24045/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche):I expect to be in a position to submit a final version of Ireland’s nitrates action programme to the EU Commission in July. Work is ongoing in my Department in consultation with the Department of Agriculture and Food and the Commission on the operational details of the programme.

Planning Issues.

700. Mr. Gogarty asked the Minister for the Environment, Heritage and Local Government if, following a ruling by the European Commission, any further strategic development zone must have an environmental impact statement carried out for the entire project before it can proceed through the planning process. [24046/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am not aware of any view expressed by the European Commission concerning the application of environmental impact statements, EIS, to strategic development zones, SDZ. Section 168 of the Planning and Development Act 2000 makes provision for the inclusion of information on the likely significant impact on the environment in a draft planning scheme for a SDZ. Article 11 of the Planning and Development (Strategic Environmental Assessment) Regulations 2004, now provides that proposals for SDZ initiated on or after 21 July 2004 are subject to mandatory strategic environmental assessment, SEA, in accordance with the requirements of EU Directive 2001/42/EC, which provides for the SEA of certain plans and programmes.

Sustainable Development Strategy.

701. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government the reason he has not announced the local agenda 21 environment partnership fund 2005; when he will do so; and if he will make a statement on the achievement to date with the grants given from the fund in previous years. [24053/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The local agenda 21 environmental partnership fund scheme promotes sustainable development by assisting, at a local level, environmental awareness projects that involve partnership arrangements between local authorities and local community groups, schools and environmental NGOs. The scheme is co-funded on a 50-50 basis by the Department and the local authorities. The scheme was introduced in 1997 and since then the Department has contributed a total of €1,910,409 towards 1,055 projects funded under the scheme. Both the level of funding and the number of projects assisted has increased year-on-year.

Allocations from the environment fund, from which the Department’s contribution to the local agenda 21 environment partnership fund is drawn, will be finalised shortly. I look forward to the continued operation of the partnership fund.

Social and Affordable Housing.

702. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government if, the number of houses in Galway which have been built and the number which have been occupied under Part V of the Planning and Development
Act 2000; and if he will make a statement on the matter. [24054/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Details on the number of houses completed under Part V of the Planning and Development Acts 2000 to 2004 are published in my Department’s housing statistics bulletins. Information is already available up to the quarter ending September 2004, copies of which are available in the Oireachtas Library. Information will shortly be available up to end 2004 in the 2004 annual housing statistics bulletin. Data relevant to the question is also available on the Department’s website at www.environ.ie.

Local Authority Staff.

703. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government his plans to lift the cap on local authority staffing levels in Galway; and if he will make a statement on the matter. [24055/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The cap on local authority staffing levels results from a Government decision in December 2002 to cap public service numbers at the existing authorised level and to reduce numbers by 5,000 across all sectors by end 2005. Numbers in the local authorities are to be reduced by 1,000 over that period. Local authorities were informed of the reduction required in the overall local government sector over the three-year period 2003 to 2005 and the overall position is monitored on a quarterly basis.

I have received no proposals from Galway City Council or Galway County Council regarding lifting the cap on local authority staffing levels. However, I am keeping the overall position under review having regard to the employment demands in each local authority.

Departmental Correspondence.

704. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government if he has received any correspondence from a company (details supplied), its subsidiaries or any other group representing the company since the general election in 2002; if so, if he will provide copies of such documentation to this Deputy; and if he will make a statement on the matter. [24059/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The company in question wrote to my predecessor in November 2003 offering a briefing on biotechnology issues. This offer was declined in writing in December 2003.

Waste Management.

705. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government if, prior to the making of the most recent waste regulations, he was requested by a company (details supplied) to modify the waste regulations to allow greater inter-regional movement of waste; if so, if he will provide this Deputy with a copy of the correspondence; and if he will make a statement on the matter. [24063/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume that the question refers to the recently issued policy direction under section 60 of the Waste Management Act 1996.

The most recent waste management policy statement, Taking Stock and Moving Forward, published in April 2004, recognised that a prohibition on inter-regional movement of waste could be unduly restrictive in terms of securing the development of waste infrastructure and the objectives of waste management plans. Most existing waste facilities are not subject to conditions that limit the geographic area from which they can take waste. The absence of such restrictions has traditionally allowed local authorities to manage capacity constraints by providing for inter-regional movement of waste. Accordingly, the policy statement provided for an examination of the issues arising in terms of the inter-relationship between regional boundaries and waste facilities.

Concerns about the implications of such planning conditions were expressed to my Department by stakeholders from both the public and private sectors, and in particular by the Irish Waste Management Association. In addition, the Environmental Protection Agency in its 2001 waste database report recommended that the inter-regional movement and treatment of waste “should be provided for . . . in appropriate circumstances”.

Following legal advice, I recently issued guidance under section 60 of the Waste Management Act to clarify that the application of the proximity principle in the context of waste management does not entail interpreting administrative waste boundaries in such a manner as to inhibit the development of infrastructure, which would support the attainment of national waste policy objectives. This guidance is intended to provide greater clarity in regard to the appropriate application of the proximity principle so as to facilitate the provision of environmentally sustainable and economically viable waste infrastructure in accordance with national policy. I am advised that this guidance has been well received by both the public and private stakeholders. As requested by the Deputy, I am arranging to have copies of the submissions made to my predecessor forwarded to him.

EU Directives.

706. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government the timescale for the implementation of, and the agencies responsible for the implementation of the EU directives on waste electrical and electronic equipment and on the restriction on hazardous substances; and if he will make a statement on the matter. [24064/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU
directives on waste electrical and electronic equipment, WEEE, and on the restriction of the use of certain hazardous substances in electrical and electronic equipment, RoHS, involve challenging requirements for all relevant stakeholder groups, particularly producers. In accordance with the terms of the WEEE and RoHS directives implementation will commence on 13 August 2005 and 1 July 2006 respectively.

Implementation of both directives will be the responsibility of producers of electrical and electronic equipment. Producers may comply with the requirements of the WEEE directive either individually or as members of collective schemes. It is likely that there will be two collective schemes, WEEE Ireland and the European recycling platform, ERP. An industry-based registration body is being established and will commence registering producers in July 2005 as required by the directive. The Environmental Protection Agency, EPA, will have the lead responsibility for enforcing the WEEE regulations with local authorities being responsible for enforcement of aspects relating to retailer obligations under the WEEE regulations. The agency will also have responsibility for enforcing the RoHS regulations.

Private Rented Accommodation.

707. Mr. Naughten asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Questions Nos. 177 and 178 of 14 October 2004, if he will review the operation of each of these elements of the Act; and if he will make a statement on the matter. [24107/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): It is a statutory function of the Private Residential Tenancies Board to review the operation of the Residential Tenancies Act 2004 and any related enactments, and make recommendations to the Minister for amendments, as appropriate. I will consider any such recommendations following an adequate period of experience of the operation of the legislation. However, as I indicated in my reply to Question No. 177 on 14 October 2004, I do not consider that a review of the statutorily based registration fee structure is warranted.

Appointments to State Boards.

708. Mr. Quinn asked the Minister for the Environment, Heritage and Local Government if he will provide a list of the vacancies on the boards of statutory or State bodies and other statutory appointments which currently exist and which must be made by him or the Government; the reason, in each case, for the vacancy; and when each vacancy will be filled. [24190/05]

709. Mr. Quinn asked the Minister for the Environment, Heritage and Local Government if he will provide a list of boards of statutory or State bodies and statutory appointments to which vacancies are expected to fall due between now and 31 December 2005 for appointments to be made by him or the Government; and the mechanisms envisaged by which the appointees will be selected. [24204/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 708 and 709 together.

The Heritage Council has one vacancy following the resignation of a council member on appointment to An Bord Pleanála. It is anticipated that this vacancy will be filled in the context of the appointment of the new Heritage Council following the expiry of the term of the present council on 9 July 2005.

In appointing persons to the boards under my aegis I follow the guidelines set out in the Cabinet handbook regarding eligibility, transparency and gender balance. The Department of Finance, in conjunction with other relevant Departments, has been considering whether tax clearance certificates can and should be required of persons being considered for appointment to State boards. Based on the outcome of that process, further consideration will be given as to whether any change to the existing arrangements is appropriate.

Decentralisation Programme.

710. Mr. O'Dowd asked the Minister for the Environment, Heritage and Local Government the progress made to date on the decentralisation of Departments and associated agencies to Drogheda, County Louth; and if he will make a statement on the matter. [24282/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Government’s decentralisation programme involves the relocation of my Department’s functions to four locations — Wexford, Waterford, New Ross and Kilkenny — in the south east. The Local Government Computer Services Board is the only body under the aegis of my Department to be relocated to Drogheda. A total of 61 applications had been received at the central applications facility, CAF, priority cut-off date on 7 September 2004 in respect of the 91 posts to be decentralised.

The board has drawn up and submitted to the decentralisation implementation group an implementation plan, which sets out the broad issues to be addressed in implementing the decentralisation programme. The board will be co-operating with my Department, the Department of Finance and the decentralisation implementation group to ensure implementation of the programme within agreed timescales. In this regard the board is not included on the list of those organisations considered potential early movers.